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**Case: Ryan Ruddell v. Marathon
Petroleum Company, L.P., Marine
Transportation**

3:15-cv-1253-NJR-DGW

Transcript of: Ryan Ruddell

Date: June 16, 2016

JUL 5 - 2016

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1 RYAN RUDELL, Plaintiff, VS. Cause No. 3:15-cv-1253-NJR-DGW MARATHON PETROLEUM COMPANY, L.P., MARINE TRANSPORTATION, Defendant. DEPOSITION OF RYAN RUDELL June 16, 2016	3 1 APPEARANCES OF COUNSEL: 2 FOR THE PLAINTIFF: 3 Mr. Dennis M. O'Bryan 4 Mr. Sean O'Bryan 5 O'Bryan Baun Karamanian 6 401 S. Old Woodward, Suite 463 7 Birmingham, MI 48009 8 (248) 258-6262 9 dob@obryanlaw.net 10 11 FOR THE DEFENDANT: 12 Mr. Raymond L. Massey 13 Mr. Daniel L. Massey 14 The Massey Law Firm, LLC 15 Two CityPlace Drive, Suite 200 16 St. Louis, MO 63141 17 (314) 812-4888 18 ray@themasseylawfirm.com 19 dan@themasseylawfirm.com 20 and 21 Ms. Tara M. Griffith 22 Mr. Adrian Pringle 23 Marathon Petroleum Company, LP 24 539 South Main Street 25 Findlay, OH 45840-3295
2 1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF ILLINOIS 3 EAST ST. LOUIS DIVISION 4 5 RYAN RUDELL, 6 7 Plaintiff, 8 9 vs. No. 3:15-cv-1253-NJR-DGW 10 11 MARATHON PETROLEUM COMPANY, L.P., 12 MARINE TRANSPORTATION, 13 14 Defendant. 15 16 17 18 19 20 Deposition of RYAN RUDELL, taken on behalf of 21 the Defendant, at the offices of The Massey Law 22 Firm, LLC, Two CityPlace Drive, Suite 200, in the 23 County of St. Louis, State of Missouri, on the 16th 24 day of June, 2016, before Julie A. Bulard, CCR MO 25 #835.	4 1 INDEX 2 PAGE 3 EXAMINATION 4 QUESTIONS BY MR. MASSEY 5 5 6 7 EXHIBITS 8 Defendant's Deposition Exhibit 1 105 9 Defendant's Deposition Exhibit 2 105 10 Defendant's Deposition Exhibit 3 132 11 Defendant's Deposition Exhibit 4 146 12 Defendant's Deposition Exhibit 5 146 13 Defendant's Deposition Exhibit 6 146 14 Defendant's Deposition Exhibit 7 207 15 Defendant's Deposition Exhibit 8 231 16 Defendant's Deposition Exhibit 9 232 17 Defendant's Deposition Exhibit 10 232 18 Defendant's Deposition Exhibit 11 243 19 Defendant's Deposition Exhibit 12 279 20 Defendant's Deposition Exhibit 13 282 21 Defendant's Deposition Exhibit 14 285 22 23 24 25

<p style="text-align: right;">5</p> <p>1 RYAN RUDDELL, 2 of lawful age, having been first duly sworn to 3 testify the truth, the whole truth, and 4 nothing but the truth in the case aforesaid, 5 deposes and says in reply to oral 6 interrogatories, propounded as follows, to-wit: 7 EXAMINATION 8 QUESTIONS BY MR. MASSEY: 9 Q State your name for the record, please. 10 A Ryan Ruddell. 11 Q You saw the court reporter just gave you 12 the oath thing. This is under oath. You understand 13 that? 14 A Yes. 15 Q Have you ever done this before, a 16 deposition? 17 A One time. 18 Q Was that in connection with your divorce? 19 A Yes. 20 Q Is that the one and only time? 21 A Yes. 22 Q And that divorce was from your one and 23 only wife? 24 A Correct. 25 Q Is her name Jessica?</p>	<p style="text-align: right;">7</p> <p>1 A Ten. 2 Q And what's your daughter's name? 3 A Briana Ruddell. 4 Q And how do you spell that for the court 5 reporter? 6 A B-r-i-a-n-a. 7 Q How old is Briana? 8 A Thirteen. 9 Q So you have legal custody of them? 10 A Correct. 11 Q How did that occur? What were the facts 12 surrounding the husband, you, getting legal custody 13 of the kids? 14 A In order for me to keep talking about the 15 legal part of that, I would have to have my other 16 attorney present, because that's an ongoing case 17 too. 18 MR. O'BRYAN: There's a custody dispute 19 pending, right? Is that -- 20 THE WITNESS: Not just custody. It's also 21 contempt charges and a bunch of things going. 22 Q (By Mr. Massey) Okay. Let me ask you a 23 few questions. You can object or interpose an 24 attorney/client or something if you want. You're 25 represented by a lawyer in that?</p>
<p style="text-align: right;">6</p> <p>1 A Yes. 2 Q When was that divorce, if you remember? 3 A Oh, I can't give you an exact date. The 4 divorce process took like a year for even the judge 5 itself to say you're divorced. 6 Q When was that final, if you remember, 7 Ryan? 8 A I can't think of it right off the top of 9 my head. I'd have to get the paperwork to find out. 10 Q All right. Was it three or four years ago 11 or longer? 12 A I prefer not to guess. I don't remember 13 the exact date. I'd have to get the paperwork to 14 find out exactly to tell you. 15 Q Okay. Where does Jessica presently live? 16 A That I currently don't know. That's 17 another whole process. 18 Q All right. Do you have legal custody of 19 your kids? 20 A Yes. 21 Q Because you brought them today? 22 A Yes. 23 Q And what are their names, please? 24 A Ryan Ruddell, Jr. 25 Q How old is Ryan?</p>	<p style="text-align: right;">8</p> <p>1 A Yes. 2 Q Is that The Massey Law Firm too? 3 A Lee Veazy. I'm not sure if it's Massey. 4 I know his name is Lee Veazy, L-e-e, V-e-a-z-y. 5 Q Where is the divorce pending? 6 A It's in Evansville, Indiana. 7 Q And the divorce is over with, but the 8 custody litigation is still ongoing. Is that 9 correct? 10 A There's a bunch of issues that's going on. 11 I need my lawyer here to talk about it. 12 Q Okay. Well, I need to know about those 13 things that are going on because I'm entitled to get 14 to that. 15 MR. O'BRYAN: What was the question? 16 MR. MASSEY: My question is, I need to 17 know what those legal things that are going on are 18 unless there's some kind of a self-incrimination 19 kind of an issue. 20 MR. O'BRYAN: Like what's the nature -- 21 you mean what's the nature of the pending 22 litigation? 23 MR. MASSEY: Yeah. 24 A There's contempt charges. 25 Q (By Mr. Massey) Is that against you or</p>

<p style="text-align: right;">9</p> <p>1 her?</p> <p>2 A Her.</p> <p>3 Q Okay, contempt charges against her. All</p> <p>4 right. Anything else?</p> <p>5 A There's soon to be -- I mean, the case is</p> <p>6 always open for the child custody part. There's</p> <p>7 going to be taken -- she had recently got more</p> <p>8 custody taken away from her where I keep them more.</p> <p>9 So I mean, there's more going on with that and other</p> <p>10 issues of not being able to find her. Just like I</p> <p>11 said, I don't know where she lives now. So there's</p> <p>12 other things I can't get into without having my</p> <p>13 other lawyer present at the time.</p> <p>14 Q Is that because you just don't know the</p> <p>15 information or there's something in there you don't</p> <p>16 want me to know about and you want your lawyer to be</p> <p>17 present before I hear that?</p> <p>18 A That's another part of my attorney I can't</p> <p>19 get into because I need my other lawyer present. I</p> <p>20 don't want to step on his toes, I don't want</p> <p>21 anything said that he doesn't want me to say. I</p> <p>22 mean, that's between me and my other lawyer. So if</p> <p>23 that is needed to be said --</p> <p>24 Q But your lawyer here isn't advising you</p> <p>25 not to answer. I need to find out what I need to</p>	<p style="text-align: right;">11</p> <p>1 no address --</p> <p>2 Q You can't find her to let the kids stay</p> <p>3 with her?</p> <p>4 A There's issues with that and other things.</p> <p>5 Q Okay. Has she got drugs charges against</p> <p>6 her, some mama problems, she's not a good mother?</p> <p>7 Is that part of it or not, or do you know?</p> <p>8 A All that part I would have to talk to my</p> <p>9 attorney and get that information to you.</p> <p>10 Q All right. Do you happen to know the</p> <p>11 style of your litigation that's going on in your</p> <p>12 fight? Is it you versus her? Is that the way it's</p> <p>13 styled, the case name? It is Ryan Ruddell versus</p> <p>14 wife, or do you know?</p> <p>15 A I don't know.</p> <p>16 Q Do you have any hearings coming up, any</p> <p>17 court --</p> <p>18 A Yes.</p> <p>19 Q When's the next hearing?</p> <p>20 A The competent charge is on the 5th.</p> <p>21 Q Of July?</p> <p>22 A Yes.</p> <p>23 Q It's a contempt charge against her?</p> <p>24 A Correct.</p> <p>25 Q For failing to comply with some of the</p>
<p style="text-align: right;">10</p> <p>1 find out. So unless you tell me, I can't determine</p> <p>2 if it's relevant to my issues or not.</p> <p>3 MR. O'BRYAN: What's your exact question?</p> <p>4 Q (By Mr. Massey) Are there any criminal</p> <p>5 charges against you pending, for example?</p> <p>6 A No.</p> <p>7 Q All right. So am I correct if I say that</p> <p>8 all the litigation going on involves whether she's</p> <p>9 going to get partial custody or you're going to get</p> <p>10 full custody? Is that basically it?</p> <p>11 A No. I have custody of my children.</p> <p>12 Q Okay. You have full custody now?</p> <p>13 A Yes.</p> <p>14 Q All right. She's trying to get some</p> <p>15 partial custody?</p> <p>16 A No. There's going to be more custody</p> <p>17 taken away from her. That's what's going to end up</p> <p>18 happening.</p> <p>19 Q Okay. But I thought you just said you</p> <p>20 have full custody now.</p> <p>21 A I do.</p> <p>22 Q So how can more be taken away --</p> <p>23 A She gets them every other weekend.</p> <p>24 Q I see.</p> <p>25 A She's supposed to. But now since she has</p>	<p style="text-align: right;">12</p> <p>1 custody terms?</p> <p>2 A Yes.</p> <p>3 Q And you can't locate her now?</p> <p>4 A Correct.</p> <p>5 Q And your lawyer can't locate her now?</p> <p>6 A That's between my lawyer and her supposed</p> <p>7 to be other attorney. So you would have to get all</p> <p>8 of that.</p> <p>9 Q Was the last time you heard from her, was</p> <p>10 she living in Evansville?</p> <p>11 A No.</p> <p>12 Q Where was she living?</p> <p>13 A In Booneville.</p> <p>14 Q Booneville, Kentucky?</p> <p>15 A Indiana.</p> <p>16 Q Where is that from Evansville?</p> <p>17 A It's about a 30-minute drive roughly.</p> <p>18 Q Has she remarried?</p> <p>19 A No.</p> <p>20 Q Does she have kids independent of these</p> <p>21 two kids?</p> <p>22 A No.</p> <p>23 Q Does she work for a living?</p> <p>24 A I have no idea.</p> <p>25 Q Has she problems with drugs, or do you</p>

<p style="text-align: right;">13</p> <p>1 know?</p> <p>2 A I believe she does, but I don't know for a</p> <p>3 fact.</p> <p>4 Q All right. Is that part of what's going</p> <p>5 on with the custody issues is her drug issues?</p> <p>6 A In order to get into that, I would have to</p> <p>7 get my other attorney here.</p> <p>8 Q Okay. But you know if that's the case or</p> <p>9 not. And there's no privilege, so you need to tell</p> <p>10 me that one way or the other if you know. If you</p> <p>11 don't know, that's fine. But if you do know, you</p> <p>12 need to tell me.</p> <p>13 A If I can get an okay from my attorney, I</p> <p>14 will.</p> <p>15 Q You don't have to get an okay from your</p> <p>16 attorney. You're bound to answer my questions here</p> <p>17 unless I ask you something that's privileged.</p> <p>18 MR. O'BRYAN: You're assuming he knows the</p> <p>19 grounds.</p> <p>20 MR. MASSEY: Well, that's what I just</p> <p>21 said. If he knows, he needs to tell me.</p> <p>22 MR. O'BRYAN: He's saying do you know the</p> <p>23 grounds that -- do you know your attorney's legal</p> <p>24 arguments?</p> <p>25 THE WITNESS: No, I don't know what he's</p>	<p style="text-align: right;">15</p> <p>1 get along. At some point in the custody litigation,</p> <p>2 you filed papers saying that you suspected her of</p> <p>3 drug use?</p> <p>4 A I'm not sure exactly what my attorney</p> <p>5 filed.</p> <p>6 Q Okay. You didn't look at it or fill it</p> <p>7 out?</p> <p>8 A I do not remember at this point.</p> <p>9 Q How old a woman is your ex-wife?</p> <p>10 A 33, 34, 35, right around there.</p> <p>11 Q When did you last see her?</p> <p>12 A I would have to look at texts in order</p> <p>13 to --</p> <p>14 Q Give me an estimate.</p> <p>15 A I'd have to look at texts to be able to</p> <p>16 tell you.</p> <p>17 Q Have you seen her in the last 12 months?</p> <p>18 A Yes.</p> <p>19 Q Last six months?</p> <p>20 A Yes.</p> <p>21 Q So after the winter and before now, which</p> <p>22 is June. Was that in the spring that you saw her?</p> <p>23 That would be April, May, in that area, or do you</p> <p>24 remember?</p> <p>25 A What is today, the 17th? It was within</p>
<p style="text-align: right;">14</p> <p>1 going to do.</p> <p>2 Q (By Mr. Massey) Okay. Do you know if part</p> <p>3 of it is connected with her drug use or her alleged</p> <p>4 drug use?</p> <p>5 A I do not know what my attorney is going to</p> <p>6 do. I don't know what he's going to say.</p> <p>7 Q Is that wasn't my question. Listen to my</p> <p>8 question. My question is, do you think or do you</p> <p>9 know that part of the contempt charges and the</p> <p>10 custody issues surrounding your ex-wife involves an</p> <p>11 allegation of drug use?</p> <p>12 A I do not know.</p> <p>13 Q So if there's an affidavit in the file</p> <p>14 that says that you suspect her of drugs, you're</p> <p>15 either lying now or lying in the affidavit?</p> <p>16 A There was that years ago, or not even --</p> <p>17 well, a couple subpoenas ago or so. But I don't</p> <p>18 know about this recent one.</p> <p>19 Q Okay. So you at one time --</p> <p>20 A I don't know.</p> <p>21 Q Okay. So you at one time did file an</p> <p>22 affidavit or something to the effect --</p> <p>23 A I don't know if it was an affidavit. I</p> <p>24 don't know what was exactly filed.</p> <p>25 Q Let me finish my question, Ryan, and we'll</p>	<p style="text-align: right;">16</p> <p>1 the past maybe three months.</p> <p>2 Q What was the occasion for you to see her?</p> <p>3 A Child custody.</p> <p>4 Q Was it a hearing or did she come over to</p> <p>5 get the kids or what?</p> <p>6 A No, exchanging of the kids.</p> <p>7 Q Exchanging of the kids?</p> <p>8 A Yeah. It was her turn to get them.</p> <p>9 Q Did she come to your house to get the</p> <p>10 kids?</p> <p>11 A No.</p> <p>12 Q You took the kids to her?</p> <p>13 A We meet at a midpoint location to</p> <p>14 exchange.</p> <p>15 Q Where was that that you met her?</p> <p>16 A Thorntons at Morgan and Burkhardt.</p> <p>17 Q Thorntons, is that a restaurant?</p> <p>18 A Gas station.</p> <p>19 Q Located where?</p> <p>20 A At Morgan and Burkhardt in Evansville.</p> <p>21 Q And how long did she keep the kids?</p> <p>22 A Saturday -- or Friday, Saturday, and she</p> <p>23 returned them Sunday.</p> <p>24 Q When she's had custody of the kids within</p> <p>25 the last 24 months, has it always been for just</p>

<p style="text-align: right;">17</p> <p>1 weekends, three days? Has it been short periods of 2 time? 3 A No, it was longer. 4 Q Okay. Going back 24 months ago, what was 5 the custody situation? 6 A It was every other weekend. 7 Q Okay. She was pretty good with that, 8 you'd keep them a weekend, she would keep them a 9 weekend, and then how would that change? 10 A We went to court and changed it. 11 Q You went to court to give her less rights? 12 A Yes. 13 Q So then what happened after that? 14 A It was changed. 15 Q Okay. How was it changed? 16 A Through the courts. 17 Q Okay. But what was it changed to, Ryan? 18 A It was changed to Friday -- she gets them 19 Friday, Saturday, brings them home Sunday at seven. 20 Q Okay. Is that the present arrangement 21 now. 22 A Yes. 23 Q Every weekend? 24 A Every other weekend. 25 Q Every other weekend. So when did --</p>	<p style="text-align: right;">19</p> <p>1 A Years. 2 Q So it hasn't worked in two years? 3 A Roughly, maybe it's been. 4 Q Has it worked since the date of your 5 accident? 6 A I can't remember. 7 Q Do you remember when the date of your 8 accident is? 9 A Yes. 10 Q What's the date? 11 A August 27th, 2014. 12 Q Okay. So I'll ask you again. You said it 13 hadn't worked in two years, which would mean -- 14 A At least. 15 Q Okay. So it was not working at the time 16 of your accident? 17 A I guess. I don't remember exactly when 18 the last time it worked. 19 Q Okay. Do you ever remember using your 20 computer after you had your incident? 21 A As of right now, I don't remember. 22 Q Do you think you did or do you think you 23 did not? 24 A I do not know. 25 Q Were you on the internet when you had your</p>
<p style="text-align: right;">18</p> <p>1 when's the last time that she kept them Friday, 2 Saturday and Sunday? Would it have been that time 3 you're talking about three months ago? 4 A Within that time. I'd have to look at 5 texts in order to find out exactly when the date is. 6 Q Okay. You say texts. You mean texts on 7 your iPhone? 8 A Yes. 9 Q Is that what kind of phone you have? 10 A It's not an iPhone. It's a Samsung. 11 Q All right. And you text -- you text back 12 and forth to your wife? 13 A Yes. 14 Q Do you have a computer at home? 15 A I do. 16 Q What's your computer like? What kind is 17 it and what's its capacity? 18 A It's an HP. It doesn't work. 19 Q It's a Hewlett Packard? 20 A Yes. 21 Q It doesn't work? 22 A No. 23 Q When did it last work? 24 A I can't remember. 25 Q Approximately.</p>	<p style="text-align: right;">20</p> <p>1 computer up and running? 2 A I do not remember. 3 Q You don't remember if you were ever on the 4 internet? 5 A I mean, of course I've been on the 6 internet with it. 7 Q But I mean were you signed up with an 8 internet provider, a service provider when your 9 computer was working two years ago? 10 A Yes. 11 Q And what was that provider? 12 A AT&T. 13 Q Was it a dial-up then connection? 14 A I don't know what you would call it. 15 Q And so you haven't had a dial-up 16 connection or any other connection with the internet 17 for two years? 18 A No, I have internet. 19 Q You do have internet? 20 A Yes. 21 Q Just not on your computer? 22 A Yes. 23 Q So you have internet service on your 24 phone? 25 A Correct.</p>

<p style="text-align: right;">21</p> <p>1 Q All right. Is that AT&T as well?</p> <p>2 A Correct.</p> <p>3 Q Can you access the internet from your</p> <p>4 phone?</p> <p>5 A Correct.</p> <p>6 Q And do you regularly do that?</p> <p>7 A Yeah, whenever --</p> <p>8 Q You need to?</p> <p>9 A Yeah.</p> <p>10 Q What's the date of your birth?</p> <p>11 A September 10th, 1981.</p> <p>12 Q So how old a man are you today, sir?</p> <p>13 A 34.</p> <p>14 Q And where were you born?</p> <p>15 A Evansville, Indiana.</p> <p>16 Q Have you lived in and around Evansville</p> <p>17 all your life?</p> <p>18 A Most of my life.</p> <p>19 Q When did you not live in Evansville?</p> <p>20 A In middle school. We moved to Florida.</p> <p>21 Q Okay. And that was --</p> <p>22 A And in -- I can't remember exact date, but</p> <p>23 for one of my jobs I lived in Louisiana for a short</p> <p>24 period.</p> <p>25 Q All right. When you moved to Florida, was</p>	<p style="text-align: right;">23</p> <p>1 A I don't know.</p> <p>2 Q Wouldn't have an estimate?</p> <p>3 A No.</p> <p>4 Q Do you remember what grade you were in?</p> <p>5 A Sixth, seventh or eighth.</p> <p>6 Q How long did you live in Florida?</p> <p>7 A I remember going there during the summer,</p> <p>8 and I remember starting school there for a little</p> <p>9 bit and then we ended up coming home.</p> <p>10 Q What part of Florida?</p> <p>11 A West Palm Beach.</p> <p>12 Q When you moved there with your mom, did</p> <p>13 she work?</p> <p>14 A I don't believe so. I'm not sure.</p> <p>15 Q How did you all support yourself?</p> <p>16 A She -- we lived with somebody there she</p> <p>17 was dating at the time.</p> <p>18 Q I see. So she lived with a man --</p> <p>19 A He owned his own business.</p> <p>20 Q I'm sorry?</p> <p>21 A He own his own business.</p> <p>22 Q Okay. So he helped support you and your</p> <p>23 mom?</p> <p>24 A I don't know if she helped work with him.</p> <p>25 I don't know what --</p>
<p style="text-align: right;">22</p> <p>1 that with your mom and dad?</p> <p>2 A Just my mom.</p> <p>3 Q Was your mom and dad divorced?</p> <p>4 A Yes.</p> <p>5 Q What year was that that you moved to</p> <p>6 Florida, do you think?</p> <p>7 A I don't know the exact year. It was in</p> <p>8 middle school. I know that.</p> <p>9 Q Okay. What was the approximate year?</p> <p>10 Middle school is generally what, sixth or seventh</p> <p>11 grade, so right around then.</p> <p>12 A Sixth, seventh or eighth.</p> <p>13 Q So approximately 1991, something like</p> <p>14 that, '92, '93, in there?</p> <p>15 A I don't know.</p> <p>16 Q You can't give me an estimate at all?</p> <p>17 Within five years, you can't give me an estimate?</p> <p>18 A Not without calculating it.</p> <p>19 Q Why don't you calculate in your head.</p> <p>20 A I don't know, I can't.</p> <p>21 Q Give me your best estimate of when you</p> <p>22 moved to Florida.</p> <p>23 A In middle school.</p> <p>24 Q Okay. What was that year? Give me your</p> <p>25 best estimate.</p>	<p style="text-align: right;">24</p> <p>1 Q She then ended that arrangement or</p> <p>2 something happened, so she moved back to Evansville.</p> <p>3 Is that accurate?</p> <p>4 A Correct.</p> <p>5 Q Did you go a full year of school there in</p> <p>6 Florida?</p> <p>7 A No.</p> <p>8 Q Just a partial year?</p> <p>9 A Yes.</p> <p>10 Q You're not aware of what your mom did for</p> <p>11 a living in Palm Beach though, I take it?</p> <p>12 A I don't know if she helped -- that's what</p> <p>13 I said. He has his own business, energy</p> <p>14 calculations they have to have for homes there.</p> <p>15 Q Gotcha.</p> <p>16 A And he -- I don't know.</p> <p>17 Q So you moved back to Evansville with your</p> <p>18 mom?</p> <p>19 A Yes.</p> <p>20 Q Did you have brothers and sisters?</p> <p>21 A Yes.</p> <p>22 Q And they moved back as well?</p> <p>23 A Correct.</p> <p>24 Q What are your brothers' and sisters'</p> <p>25 names?</p>

<p style="text-align: right;">25</p> <p>1 A Just one brother, Adam Ruddell. 2 Q Where does he live? 3 A In Evansville. 4 Q What does he do for a living? 5 A He works for the state in some type of 6 engineering, something with the roads and -- I'm not 7 sure exactly what part of engineering he does. 8 Q State of Indiana? 9 A Yes. 10 Q Do you know Mark Sigler? 11 A Correct. 12 Q Who is Mark Sigler? 13 A He is my mother's boyfriend. 14 Q Presently? 15 A Not boyfriend, strike that. Husband. I'm 16 not used to saying it. 17 Q How long has Mr. Sigler been your mom's 18 husband? 19 A I'm not sure exactly. 20 Q Approximately. 21 A Over a couple years. I'm not sure. 22 Q Okay. But over a couple years, you think? 23 A Yeah. 24 Q Is that your mom's second marriage? 25 A Yes.</p>	<p style="text-align: right;">27</p> <p>1 before you moved someplace else? 2 A Over what years? 3 Q Until you were approximately what age? 4 A I was out of school. I know that. 5 Q Okay. So you graduated from high school? 6 A Yes. 7 Q And then I moved to Louisiana? 8 A I don't know if you would consider it 9 moving, but I was there for a few months for work. 10 I lived out of a hotel. 11 Q I see. Did you graduate from high school? 12 A Yes. 13 Q What year was that that you graduated from 14 high school? 15 A '99. 16 Q That was the high school there in 17 Evansville? 18 A The high school I graduated from was North 19 Posey. 20 Q North what? 21 A Posey. 22 Q How do you spell that? 23 A N-o-r-t-h P-o-s-e-y. 24 Q North Posey. Where is that located? 25 A That's in Poseyville.</p>
<p style="text-align: right;">26</p> <p>1 Q What was her first husband's name? 2 A Jeff Ruddell. 3 Q What became of Jeff Ruddell? 4 A As in -- 5 Q Did he die, is he alive? 6 A No, he's alive. 7 Q Okay. That's your father? 8 A Yes. 9 Q So where does he live? 10 A He lives in Evansville. 11 Q What does he do for a living? 12 A He works for GE. He's some type of 13 engineer for -- my brother kind of fell in his 14 footsteps, but he went off in a little bit different 15 direction. 16 Q Do you see Jeff Ruddell occasionally? 17 A Yes. 18 Q Is he remarried? 19 A Yes. 20 Q And Jeff is still working at that GE job? 21 A Yes. He works at home. 22 Q Do you know Jason Gilliam? Does that name 23 ring a bell at all? 24 A Not really. 25 Q How long did you live back in Evansville</p>	<p style="text-align: right;">28</p> <p>1 Q Is that a suburb of Evansville or what? 2 A You have like -- there's Evansville, then 3 you have the west side part of Evansville, and you 4 get out of the country. Evansville is Vanderburgh 5 County and that's Posey County. It's kind of 30 6 minutes away. 7 Q I see. And Poseyville, is that within 8 Posey County? 9 A Yes. 10 Q It's just the outskirts then -- 11 A Yeah, it's outskirts, it's country, it's 12 cornfields. 13 Q I gotcha. How far is that from Evansville 14 city? Ten miles, eight miles? 15 A The city limits? From where we lived, the 16 city limits, that was probably about ten minutes 17 roughly. 18 Q Would you take a bus to get to your school 19 when you were going there from your house, or were 20 you living close -- 21 A No, I drove. 22 Q Okay. 23 A To get to the school, it took me probably 24 about another -- probably about ten minutes give or 25 take.</p>

<p style="text-align: right;">29</p> <p>1 Q All right. What was your address in 2 Evansville when you graduated from high school? 3 A I didn't live in Evansville when I 4 graduated from high school. I lived in Posey County 5 when I graduated. 6 Q What was your address in Poseyville or 7 Posey County? 8 A 8379 Albert Drive. 9 Q Did you live with your mom? 10 A Yes. 11 Q Was she living alone at that time? 12 A Yes. 13 Q And it was later then that she would marry 14 Mr. Sigler? 15 A Correct. 16 Q How old were you when you graduated from 17 high school? 18 A 17 or 18. 19 Q So you didn't fail any grades? 20 A No. 21 Q So were you a good student? 22 A I was decent. 23 Q Above average? 24 A I don't know. I guess you could say 25 average. I don't know exactly what you would</p>	<p style="text-align: right;">31</p> <p>1 Q Did you ever think about college at all? 2 A Yes. 3 Q Did you ever apply? 4 A Yes. 5 Q Do you think you could have been 6 successful in college? 7 A I don't know. Probably. 8 Q Where did you apply? 9 A I went to Ivy Tech for a little bit. 10 Q What's Ivy Tech? 11 A Have you heard of ITT Tech? It's kind of 12 like that, but it's Ivy Tech, I-v-y. 13 Q Okay. That's kind of a vocational school 14 after high school? 15 A Kind of. It's college. I'm not sure what 16 you would consider -- 17 Q I gotcha. How long did you do that? 18 A Actually, I don't remember. It was very, 19 very short. I didn't like it, so I went on to a 20 different place. 21 Q That was Ivy Tech in Evansville? 22 A Yeah. 23 Q You didn't not go back because you 24 couldn't do it, you just didn't like the -- 25 A I didn't like the classes and how they set</p>
<p style="text-align: right;">30</p> <p>1 consider -- 2 Q Well, I mean, I'm trying to get you to 3 remember back in your class. Were you kind of in 4 the middle or were you above the middle or below the 5 middle or were you considered slow? 6 A Some things I did really good at, some 7 courses -- as any other kid, some things you did 8 good at, some things you did poorly at. 9 Q What were you best at? 10 A Computers. 11 Q Were you good at math and that sort of 12 thing, sciences? 13 A Math I was pretty good at, but -- I'm 14 trying to remember exactly when I maxed out on my 15 math classes. 16 Q Did you ever take algebra? 17 A I remember taking pre-algebra. I'm not 18 sure if I took regular algebra or not. 19 Q Did you take any foreign languages? 20 A It was a requirement, Spanish. It was 21 kind of like a Spanish, German kind of intro. 22 Q So you passed all that? 23 A Yes. 24 Q Passed that okay? 25 A Yes.</p>	<p style="text-align: right;">32</p> <p>1 up their program. 2 Q But you were capable of keeping up. You 3 could have gone and passed that if you had been 4 interested? 5 A Well, I didn't agree with them having 6 to -- certain classes they had you take prior to 7 what I was going for to learn. 8 Q So you disagreed with their curriculum, if 9 you will? 10 A Correct. 11 Q But you could have passed the courses? I 12 mean, you were smart enough to do that? 13 A Yeah. 14 Q Did you ever have any other applications 15 to schools besides going to Ivy Tech briefly? 16 A I went to Indiana Business College for a 17 little while. They are no longer there. I don't 18 know what happened to them. 19 Q All right. If you graduated from high 20 school in '99, when would you have gone to the 21 Indiana Business College? Would that have been 22 2000? 23 A I'm wanting to say 2001, but I can't 24 remember exactly when. 25 Q That's all right. Do you remember there</p>

<p style="text-align: right;">33</p> <p>1 being a slight gap between high school and when you 2 went there? 3 A I wanted to take a break. I remember 4 that. 5 Q Okay. 6 A Because who wouldn't after being -- 7 Q Yes, in high school. So you went to 8 Indiana Business College. 9 A Yes. 10 Q How long did you go there? 11 A I want to say maybe a year. I'm not sure 12 exactly. 13 Q Did you complete some courses? 14 A I'm not sure exactly what -- I'd have to 15 look at the records to see what all I got done. I 16 remember getting out of it and I said I didn't care 17 much for it. 18 Q Do you have records at home indicating 19 when you went and how you did, that sort of thing? 20 A No. 21 Q So you said -- what records would you have 22 to look at? 23 A I would have to get online and find them 24 in order to find records and contact them somehow 25 and come up with --</p>	<p style="text-align: right;">35</p> <p>1 Did you accomplish any hours, like college credits? 2 A I believe so. 3 Q Do you know how many you would have 4 completed? 5 A I have no idea. 6 Q You just went the one year? 7 A Around about, give or take, less. Maybe 8 more, maybe less. 9 Q Were you working during that year? 10 A Yes. 11 Q What were you doing for a living to 12 support yourself? 13 A Oh, man. During that year, I honestly 14 don't remember exactly what job I had at that point. 15 Q Let me take you back and maybe this will 16 help you remember a little bit. When you were in 17 high school at Poseyville High -- 18 A Yes. 19 Q -- did you play sports? 20 A The senior year I made the football team. 21 Q Okay. How much do you think you weigh 22 now? 23 A Well, according to what you told me, it 24 was like 270 something or -- I don't know exactly. 25 Q I did say that number. I find that number</p>
<p style="text-align: right;">34</p> <p>1 Q So you don't have any records at home at 2 all to tell you anything? 3 A No. Most of my records are gone because 4 of my ex. 5 Q So you're saying your wife stole a lot of 6 your records? 7 A Yes. 8 Q Is that before she left the home, or when 9 did she do that? 10 A Yeah. She left the home and also took a 11 bunch of electronics and other things and I couldn't 12 get them. 13 Q Did you claim at some point that the 14 reason she did that is because she was addicted to 15 drugs? Did you claim that yourself? 16 A No. 17 Q You never made that claim? 18 A I never said she was addicted to drugs 19 because she left the home because of that. 20 Q You never said that she used that to sell 21 the stuff so that she could enhance her drug 22 program? 23 A No, no. 24 Q So did you get any hours from your work 25 there at the Indiana Business College, do you know?</p>	<p style="text-align: right;">36</p> <p>1 shocking looking at you. You don't look like you 2 weigh that much to me. What's your best estimate of 3 what you think you weigh? 4 A 260, 265. 5 Q All right. 6 A Maybe, I don't know. 7 Q Have you weighed yourself lately? 8 A No. 9 Q So the doctors, when they see you, they 10 don't weigh you? 11 A Yeah, they weigh me. I don't even pay 12 attention. 13 Q You don't pay attention to what they say? 14 A No. 15 Q When's the last time you saw a doctor of 16 any sort? 17 A A few -- I'd have to look at my records. 18 I believe it was a few days ago or so. 19 Q Who did you see? 20 A Rupert. 21 Q What did Rupert do for you when you saw 22 him two days ago? 23 A It was at that nurse practitioner I saw 24 just for pain medicines. 25 Q So what did she do for you?</p>

<p style="text-align: right;">37</p> <p>1 A Just asked me questions and I answered 2 them and refilled my pain prescriptions. 3 Q What did she ask you? 4 A How are you doing, how is everything 5 going, how is the pain levels, how are you doing 6 with -- 7 Q What did you tell her? 8 A I'm doing okay right now, the pain levels 9 are at -- I can't remember exactly pain levels at 10 that time. But I told her whatever the pain level 11 was at and how the prescriptions were doing, okay, I 12 guess, I said. 13 Q When she said pain levels, does she mean 14 between zero and ten? 15 A Yes. 16 Q So you don't remember what you told her? 17 A No. 18 Q What's your pain level now? 19 A It's about a six, seven. 20 Q You going to tell me if that changes 21 during the day? 22 A Considering I drove here for however many 23 X amount of miles, it's going to be quite up. And 24 I've already taken pain medicine, so hopefully it 25 drops.</p>	<p style="text-align: right;">39</p> <p>1 A Yes. 2 Q Do you remember when? 3 A Maybe three, four months ago. 4 Q Have you seen him just the one time three 5 or four months ago in person? 6 A No. You all should have received all the 7 paperwork from when I've seen him. 8 Q I appreciate that, but that's my 9 situation. I'm asking you the questions. My 10 question is very simple. In the year 2016, how many 11 times have you seen Dr. Rupert in person? 12 A I would have to look at my calendar to say 13 exactly. 14 Q Do you think it's one time or more than 15 one time? 16 A It's more than one. 17 Q You don't remember when? 18 A No. 19 Q You don't remember when last? 20 A No. 21 Q And you don't remember how many times in 22 the year 2016? 23 A No. 24 Q How about in 2015? Did you see him in 25 person in 2015?</p>
<p style="text-align: right;">38</p> <p>1 Q You're able to answer my questions here 2 even though you've taken the pain medication? 3 A Oh, yeah, I can talk. 4 Q And you're able to think? 5 A Well, obviously I'm talking, so therefore 6 I'd be able to think. 7 Q What kind of medicine are you taking? 8 A Gabapentin and oxycodone, I think it's 9 called. 10 Q So when the nurse weighed you two or three 11 days ago, you don't remember what she said you 12 weighed? 13 A No. 14 Q She asked you a couple questions, you 15 answered them like you just said, and she gave you 16 some more prescriptions? 17 A Correct. 18 Q You didn't even see the doctor? 19 A No. 20 Q When have you last seen Dr. Rupert in 21 person? 22 A I would have to look on my calendar to 23 find out. 24 Q About when? Have you seen him this year, 25 the year 2016?</p>	<p style="text-align: right;">40</p> <p>1 A Yes. 2 Q How many times approximately? 3 A I'd have to look at my calendar to find 4 out the dates. 5 Q Wouldn't have any estimate? 6 A No. 7 Q Wouldn't have any estimate about the dates 8 or the number of times? 9 A No. 10 Q Is the senior year in high school the only 11 year you played football? 12 A Yes. 13 Q You didn't play any sports any other 14 years? 15 A Growing up, I played baseball in like 16 elementary, elementary school, but that's it. 17 Q Okay. Were you generally in decent and 18 good health in high school? 19 A Yes, sir. 20 Q So what position did you play when you 21 were a senior in high school? 22 A Defense. 23 Q Line or what? 24 A Yeah. I was heavysset. I was pretty -- 25 well, like I am now pretty much.</p>

<p style="text-align: right;">41</p> <p>1 Q So you were about as stout as you are now 2 back then? 3 A Actually, I wore the same pant size. 4 Q Wow. So you were a big guy in high 5 school. Is that right? 6 A Yeah. 7 Q I know you don't know exactly what you 8 weigh. But would you have weighed about the same 9 weight in high school as you weigh now? 10 MR. O'BRYAN: If he's wearing the same 11 pants. 12 A Yeah, I remember weighing 200 before and I 13 remember weighing about 245. 14 Q In high school? 15 A Yeah. 16 Q And you wear the same pants now that you 17 wore in high school when you were a senior? 18 A 36 or 38 waist. 19 Q All right. So at least looking at you 20 today and looking at when you were in high school, 21 you're about the same size? 22 A Roughly, yeah, except for the gut. 23 Q Do you drink beer? 24 A No. 25 Q Ever?</p>	<p style="text-align: right;">43</p> <p>1 How did you get here for this deposition? 2 A I had a friend drive me. 3 Q You had a what? 4 A Friend drive me. 5 Q What friend? 6 A Just a friend. 7 Q What's his name or her name? 8 A Marci. 9 Q M-a-r-c-i-a? 10 A M-a-r-c-i. 11 Q That's a woman? 12 A Yes. 13 Q Where is she now during the depo? 14 A I don't know. 15 Q You brought your kids? 16 A Yes. 17 Q Why didn't you leave the kids with Marci? 18 A Because the kids are with me. 19 Q Because you didn't want to. That would be 20 a good answer. Is that the reason? 21 A No, that's not the answer. I'm legally 22 responsible for my children. 23 Q Okay. So you wanted to keep them with 24 you? 25 A Of course.</p>
<p style="text-align: right;">42</p> <p>1 A Yeah, I have. 2 Q But you don't presently? 3 A No. 4 Q I don't mean now. I know you're not 5 because you're sitting here with no beers in front 6 of you. Are you presently a beer-drinker? 7 A No. I don't care for it much. 8 Q All right. Do you drink alcohol at all? 9 A I haven't touched it within the past year 10 and a half, two years. 11 Q Have you ever been diagnosed as an 12 alcoholic? 13 A No. 14 Q You've never had a drinking problem? 15 A No. 16 Q Have you ever had a drug problem? 17 A No. 18 Q Do you feel like you're addicted to 19 oxycodone now? 20 A No. 21 Q Or Gabapentin? 22 A No. 23 Q Do you feel like you ever were? 24 A No. 25 Q I'll ask you some more about that later.</p>	<p style="text-align: right;">44</p> <p>1 Q All right. Is Marci a person who lives 2 there in Evansville? 3 A Yes. 4 Q And she's a friend? 5 A Yes. 6 Q Are you all a -- are you all hooked up or 7 matched up as a couple, or is she just a friend? 8 A Well, yeah, we've done things together. 9 Q Okay. So you see her socially? 10 A Yeah. 11 Q Do you have a romantic relationship with 12 her? 13 A I don't know if you'd consider it romantic 14 or what. 15 Q Maybe I need to take her deposition to 16 find out. I'm not trying to get you in trouble 17 here. But does she think she has a romantic 18 relationship with you? 19 A I don't know. 20 Q Where does she live in Evansville? 21 A She lives with her grandma in Mount 22 Carmel. 23 Q Mount Carmel, Indiana? 24 A Indiana. And she also -- she had a place 25 in Evansville. I'm not sure if she's still staying</p>

<p style="text-align: right;">45</p> <p>1 there or not. I don't know the exact address.</p> <p>2 Q Does she ever stay with you?</p> <p>3 A Sometimes, yes.</p> <p>4 Q What's your present address?</p> <p>5 A 308 Van Dusen.</p> <p>6 Q V-a-n?</p> <p>7 A Uh-huh.</p> <p>8 Q D-u-s-e-n?</p> <p>9 A Yes, Avenue.</p> <p>10 Q Evansville?</p> <p>11 A Yes.</p> <p>12 Q What's your phone number there?</p> <p>13 A I just -- I don't have a home phone.</p> <p>14 Q You don't have a line phone?</p> <p>15 A No.</p> <p>16 Q What's your cell phone number?</p> <p>17 A (812)622-0598.</p> <p>18 Q When you last had -- strike that. Do you</p> <p>19 have a user name for your internet connection?</p> <p>20 A User name?</p> <p>21 Q Do you have an email address?</p> <p>22 A Without looking at it or calling AT&T, I</p> <p>23 don't know.</p> <p>24 Q In other words, you don't know your</p> <p>25 user -- you don't know your email address?</p>	<p style="text-align: right;">47</p> <p>1 A Correct.</p> <p>2 Q Have you ever been convicted of a felony?</p> <p>3 A No.</p> <p>4 Q Have you ever had any trouble with the</p> <p>5 law?</p> <p>6 A No.</p> <p>7 Q Did you do any additional schooling after</p> <p>8 the Indiana Business College?</p> <p>9 A No.</p> <p>10 Q Did you work during high school?</p> <p>11 A Yes.</p> <p>12 Q Where did you work during high school?</p> <p>13 A I think I was 15, getting ready to turn</p> <p>14 16, when I had my first job. And that was</p> <p>15 Evansville Airport Marriott.</p> <p>16 Q What were you doing there at the</p> <p>17 Evansville Marriott?</p> <p>18 A I worked there for quite a few years,</p> <p>19 quite many years. I did numerous things. I started</p> <p>20 out at banquets.</p> <p>21 Q You mean serving at banquets?</p> <p>22 A Yeah. That would be --</p> <p>23 Q Busboy?</p> <p>24 A I would help set up for the banquets</p> <p>25 sometimes they would have me do, sometimes I would</p>
<p style="text-align: right;">46</p> <p>1 A Which -- I have --</p> <p>2 Q Several of them?</p> <p>3 A I have an email that me and him talk</p> <p>4 through.</p> <p>5 Q Okay. What's that email address?</p> <p>6 A RyanRuddell@yahoo.</p> <p>7 Q RyanRuddell@yahoo.com?</p> <p>8 A Yahoo.com.</p> <p>9 Q Has that always been your email address?</p> <p>10 A For quite a long time, yes.</p> <p>11 Q Okay. So you've had that email address</p> <p>12 for --</p> <p>13 A That's what I used from the divorce and</p> <p>14 what I've used --</p> <p>15 Q And you and your lawyer communicate on</p> <p>16 that email address?</p> <p>17 A Yes.</p> <p>18 Q You communicate, of course, with other</p> <p>19 folks than your lawyer?</p> <p>20 A This lawyer, my other lawyer. That's</p> <p>21 another way -- I had to give that email out for my</p> <p>22 ex to be able to communicate because we're only</p> <p>23 supposed to communicate via text or email.</p> <p>24 Q But text you would use your phone number</p> <p>25 obviously, email you would use your email address?</p>	<p style="text-align: right;">48</p> <p>1 be -- I guess you would call it the busboy or</p> <p>2 server, for wedding functions.</p> <p>3 Q I see.</p> <p>4 A It just depended on what they wanted me to</p> <p>5 do. And also I did bellman, helped out with</p> <p>6 maintenance, helped out with room service, did the</p> <p>7 front desk a little bit, pretty much the whole --</p> <p>8 Q All right. Is that the only job you had</p> <p>9 in high school?</p> <p>10 A I'm not sure if I was in school when I</p> <p>11 transferred to another job or not. I'm not sure</p> <p>12 exactly what date that was or year.</p> <p>13 Q What other job do you remember having</p> <p>14 while you were going to school?</p> <p>15 A I was a subcontractor for Fifth Third Bank</p> <p>16 basically picking up paperwork.</p> <p>17 Q And just taking it from one location to</p> <p>18 another?</p> <p>19 A Went to drive all the way to Illinois and</p> <p>20 back to Evansville where the home office is.</p> <p>21 Q So if they had loan documents or some --</p> <p>22 A I just received a bag, a blue bag, about</p> <p>23 two-foot long and maybe two-foot wide that was</p> <p>24 sealed up, and they had paperwork in there and I</p> <p>25 just took.</p>

<p style="text-align: right;">49</p> <p>1 Q You would drive it?</p> <p>2 A I was a courier.</p> <p>3 Q Okay. Whose car did you use?</p> <p>4 A Mine.</p> <p>5 Q You had an automobile back then?</p> <p>6 A Yeah. I was a subcontractor, so I had to</p> <p>7 provide everything and pay my own insurance.</p> <p>8 Q What was your vehicle back then, if you</p> <p>9 remember?</p> <p>10 A I really don't remember. I had a few</p> <p>11 vehicles back in the day.</p> <p>12 Q Any other jobs you had in high school?</p> <p>13 A I can't right now off the top of my head</p> <p>14 remember anything more, if I was in high school or</p> <p>15 not whenever I had them jobs.</p> <p>16 Q Those two jobs were part-time jobs while</p> <p>17 you were going to school. Is that true?</p> <p>18 A Up until the point they were able to get</p> <p>19 me a full-time job. I can't remember what the State</p> <p>20 of Indiana was for -- I remember having a work</p> <p>21 permit. I'm not sure what state when it transferred</p> <p>22 over to -- when they were able to give me full-time.</p> <p>23 Q Would it have been at one of those two</p> <p>24 outfits you just described for me, or is there</p> <p>25 another one there you need to tell me about while</p>	<p style="text-align: right;">51</p> <p>1 Q Do you have a tongue ring?</p> <p>2 A Yes.</p> <p>3 Q How long have you had that?</p> <p>4 A Since I was 17, 16.</p> <p>5 Q You got it then and kept it all these</p> <p>6 years?</p> <p>7 A Yes.</p> <p>8 Q Didn't it screw your teeth up?</p> <p>9 A No.</p> <p>10 Q Why do you have that? You like that?</p> <p>11 A I just had it done and haven't taken it</p> <p>12 out because of food particles getting inside. So I</p> <p>13 just kept it because of the hole.</p> <p>14 Q Oh, so if you take it out, the hole won't</p> <p>15 grow back?</p> <p>16 A It will grow back to a certain extent, but</p> <p>17 then there would be food particles stuck inside.</p> <p>18 Q So once you commit to a tongue ring, you</p> <p>19 better kind of commit to it?</p> <p>20 A Unless -- if you keep it for so many</p> <p>21 years, you have to commit to it. But if you</p> <p>22 don't --</p> <p>23 Q I gotcha.</p> <p>24 A You've got like a year or so and you can</p> <p>25 take it out and can probably get away with it</p>
<p style="text-align: right;">50</p> <p>1 you were in high school?</p> <p>2 A Those are the two I remember. I'm not</p> <p>3 sure if there was any more while I was in high</p> <p>4 school.</p> <p>5 Q But both of the ones we talked about,</p> <p>6 those were both part-time. Or do you think maybe</p> <p>7 one became full-time?</p> <p>8 A I know the Marriott became full-time</p> <p>9 because I was there for -- it was over three years.</p> <p>10 Q So at least one of the jobs were full-time</p> <p>11 even while you were going to high school?</p> <p>12 A Uh-huh.</p> <p>13 Q Is that right?</p> <p>14 A To the point where -- I can't remember</p> <p>15 exactly when they became full-time.</p> <p>16 Q Okay. That's fair. But you think you</p> <p>17 worked someplace full-time while you were going to</p> <p>18 high school?</p> <p>19 A I know eventually Marriott turned into</p> <p>20 full-time.</p> <p>21 Q You just can't remember if it was before</p> <p>22 or after you graduated from high school?</p> <p>23 A Yeah.</p> <p>24 Q Have I said it correctly?</p> <p>25 A Yes.</p>	<p style="text-align: right;">52</p> <p>1 healing back up.</p> <p>2 Q So what are you advising your son, Ryan,</p> <p>3 about your tongue ring? When he says, Dad, I'm</p> <p>4 going to get me a tongue ring, what do you say?</p> <p>5 A He's never said anything about it.</p> <p>6 Q What if he did?</p> <p>7 A If he was 18 years of age, he could --</p> <p>8 Q You'd say do it?</p> <p>9 A It's his choice, he's an adult.</p> <p>10 Q What's the first job you had after you got</p> <p>11 out of high school?</p> <p>12 A As I was stating, I worked at Marriott</p> <p>13 still.</p> <p>14 Q Okay. So that was the first job you</p> <p>15 remember that continued on after you got out of high</p> <p>16 school?</p> <p>17 A Yeah. And then I had that bank courier at</p> <p>18 the same time at some point. There was a point when</p> <p>19 I stopped working for Marriott, but I was still --</p> <p>20 they would still call me here and there to come back</p> <p>21 and work while I was working the other job.</p> <p>22 Q So both the courier job and the Marriott</p> <p>23 job continued after high school?</p> <p>24 A Uh-huh.</p> <p>25 Q Is that true? You have to say yes or no.</p>

<p style="text-align: right;">53</p> <p>1 A Yes.</p> <p>2 Q What was the first job apart from those</p> <p>3 two that you had after you graduated from high</p> <p>4 school?</p> <p>5 A The job after that?</p> <p>6 Q Yes, sir.</p> <p>7 A I honestly can't remember.</p> <p>8 Q What's the first job you do remember after</p> <p>9 those two after you graduated from high school?</p> <p>10 A I can just give you a list of jobs. I</p> <p>11 can't remember exactly right after what.</p> <p>12 Q Give me your best estimate of the first</p> <p>13 job you had after those two after you got out of</p> <p>14 high school.</p> <p>15 A Working at a satellite company probably,</p> <p>16 subcontractor for Dish Network.</p> <p>17 Q So your employer was Dish?</p> <p>18 A Actually, I employed myself. I was a</p> <p>19 subcontractor.</p> <p>20 Q But you worked for Dish?</p> <p>21 A Yes, Dish Network.</p> <p>22 Q And to make sure I get this right, you</p> <p>23 were a subcontractor, but the contracts you would</p> <p>24 have would be at Dish to install their --</p> <p>25 A I would call them, they would send me</p>	<p style="text-align: right;">55</p> <p>1 A They would send us the paperwork and we</p> <p>2 would have the stuff in the mail at UPS or FedEx,</p> <p>3 however they wanted to send the dishes. I'd have to</p> <p>4 install them.</p> <p>5 Q So they would send you the materials and</p> <p>6 you would do the labor part?</p> <p>7 A Yes.</p> <p>8 Q And then they would send you money for</p> <p>9 doing that work?</p> <p>10 A Correct.</p> <p>11 Q And you started out doing that for Dish</p> <p>12 pretty much solely, and then when that kind of</p> <p>13 dwindled down you began to work for Satellite One?</p> <p>14 A Yeah. It was another guy that kind of</p> <p>15 went together, just kind of helped out each other,</p> <p>16 and it was kind of nice.</p> <p>17 Q Right. But these were one-person</p> <p>18 operations, yourself as an independent contractor?</p> <p>19 A Correct.</p> <p>20 Q If you graduated from high school in '99,</p> <p>21 what years would it have been you would have done</p> <p>22 that work for Dish approximately?</p> <p>23 A I don't remember.</p> <p>24 Q Would it have been like 2000, 2001, 2002,</p> <p>25 or would you have any estimate?</p>
<p style="text-align: right;">54</p> <p>1 paperwork on what houses needed to be installed. I</p> <p>2 would pay for my own vehicle, pay for my own</p> <p>3 insurance, pay for the whole thing. I would end up</p> <p>4 getting paid. I had to pull my own taxes out.</p> <p>5 Q So you were pretty much independent?</p> <p>6 A Yes. I was a subcontractor.</p> <p>7 Q An independent contractor. Did you have a</p> <p>8 little company name?</p> <p>9 A. No.</p> <p>10 Q You just did it as a sole proprietor?</p> <p>11 A Uh-huh.</p> <p>12 Q And that was just you working?</p> <p>13 A Yes. And then I worked for another person</p> <p>14 as a subcontractor when that business slowed down.</p> <p>15 It's called Satellite One.</p> <p>16 Q Doing the same kind of work?</p> <p>17 A Yes.</p> <p>18 Q I've got a Dish satellite at one of my</p> <p>19 houses and the guy came out to -- he erected it on</p> <p>20 the side of the house. That's what you would do?</p> <p>21 A Yes.</p> <p>22 Q You would install it for a customer?</p> <p>23 A Yes.</p> <p>24 Q And Dish would give you the material that</p> <p>25 you would use as far as paperwork?</p>	<p style="text-align: right;">56</p> <p>1 A I don't have any estimate.</p> <p>2 Q How about Satellite One? Do you have any</p> <p>3 estimate of when you worked for them?</p> <p>4 A No.</p> <p>5 Q Within two or three years even?</p> <p>6 A Not off the top of my head.</p> <p>7 Q Was it before 2005, for example?</p> <p>8 A I couldn't tell you.</p> <p>9 Q Was it before 2008?</p> <p>10 A I don't know.</p> <p>11 Q You still wouldn't even know that?</p> <p>12 A No.</p> <p>13 Q So it's possible you worked for them after</p> <p>14 you started with Marathon?</p> <p>15 A It was before Marathon.</p> <p>16 Q Okay. Well, that's just what I asked you.</p> <p>17 So listen to my question.</p> <p>18 A It was before Marathon, after high school,</p> <p>19 within that timeframe.</p> <p>20 Q Okay. When did you start with Marathon?</p> <p>21 A I believe it was -- I think it was May of</p> <p>22 2008. I'm not sure.</p> <p>23 Q So the question is, when did you work for</p> <p>24 Dish and Satellite One in relation to that date?</p> <p>25 A It was before Marathon and after high</p>

<p style="text-align: right;">57</p> <p>1 school.</p> <p>2 Q Okay. So it was between '99 and 2008?</p> <p>3 A Yes.</p> <p>4 Q And you can't give me any better estimate?</p> <p>5 A No.</p> <p>6 Q And you have no records that would show</p> <p>7 that?</p> <p>8 A All them records, all that paperwork --</p> <p>9 Q Was stolen by your wife?</p> <p>10 A -- was taken by my ex.</p> <p>11 Q I gotcha.</p> <p>12 A I had resumes. I had everything set up.</p> <p>13 I had tax information. It was all taken.</p> <p>14 Q I understand. Now, this is not the first</p> <p>15 time you've been asked these questions. You</p> <p>16 remember got some interrogatories?</p> <p>17 A Yes.</p> <p>18 Q Some written questions from me that asked</p> <p>19 you this same information?</p> <p>20 A Yes.</p> <p>21 Q And even with that, you still don't have a</p> <p>22 memory of it?</p> <p>23 A No. I can't remember exact dates.</p> <p>24 MR. O'BRYAN: These are dates when he</p> <p>25 worked for this place? Can't you get that off the</p>	<p style="text-align: right;">59</p> <p>1 that work?</p> <p>2 A She's already filled it up once already.</p> <p>3 Q Did you take care of that or her?</p> <p>4 A She did.</p> <p>5 Q Why is she paying the expenses?</p> <p>6 A Because you all only give me maintenance</p> <p>7 checks, enough to live off on barely.</p> <p>8 Q So your lawyer doesn't give you any money?</p> <p>9 A No.</p> <p>10 Q Is the maintenance your only source of</p> <p>11 money that you receive?</p> <p>12 A I receive maintenance and food stamps.</p> <p>13 Q The food stamps you receive because you</p> <p>14 applied for those?</p> <p>15 A Yes.</p> <p>16 Q Is that for the State of Indiana?</p> <p>17 A Yes.</p> <p>18 Q How much do you get for food stamps?</p> <p>19 A 360 something, I believe. I'm not sure</p> <p>20 off the top of my head right now. It's getting</p> <p>21 recalculated. Right now it's getting recalculated.</p> <p>22 Q Per month?</p> <p>23 A Yes.</p> <p>24 Q And they give you that as coupons so that</p> <p>25 you can use it to buy groceries, etcetera?</p>
<p style="text-align: right;">58</p> <p>1 income taxes?</p> <p>2 MR. MASSEY: I don't have the income taxes</p> <p>3 yet.</p> <p>4 Q (By Mr. Massey) You don't have any income</p> <p>5 tax returns at home either?</p> <p>6 A No.</p> <p>7 Q Your wife stole those too?</p> <p>8 A Yes. We had a box.</p> <p>9 Q She stole everything?</p> <p>10 A It had a bunch of paperwork in it. She</p> <p>11 took it all.</p> <p>12 Q What does Marci do for a living?</p> <p>13 A She works for Springleaf.</p> <p>14 Q For who?</p> <p>15 A Springleaf Financial.</p> <p>16 Q What do they do?</p> <p>17 A They are in some type of money, loans or</p> <p>18 something.</p> <p>19 Q How long have you been a friend of hers?</p> <p>20 A About a year, maybe a little more.</p> <p>21 Q What car did you drive?</p> <p>22 A It was hers, some type of Toyota.</p> <p>23 Q Was it just Marci, the two kids, and you?</p> <p>24 A Correct.</p> <p>25 Q Did you take care of her gas, or how did</p>	<p style="text-align: right;">60</p> <p>1 A No, they give us a card.</p> <p>2 Q So you can buy groceries?</p> <p>3 A Yes.</p> <p>4 Q Per month?</p> <p>5 A Yes.</p> <p>6 Q How long have you been getting that?</p> <p>7 A Maybe a little over a year, maybe right</p> <p>8 around a year. Because it's -- right now, like I</p> <p>9 stated before, they are redoing it.</p> <p>10 Q Right. Is your mom presently working?</p> <p>11 A Yes.</p> <p>12 Q Where does she work?</p> <p>13 A German American Bank.</p> <p>14 Q What's her name?</p> <p>15 A Stephanie.</p> <p>16 Q Last name?</p> <p>17 A Sigler, S-i-g-l-e-r.</p> <p>18 Q And she's married to Mark?</p> <p>19 A Yes.</p> <p>20 Q And what does Mark do for a living?</p> <p>21 A He is a captain.</p> <p>22 Q Where?</p> <p>23 A For Marathon.</p> <p>24 Q Have you ever worked with him?</p> <p>25 A For a short time, yes.</p>

<p style="text-align: right;">61</p> <p>1 Q When?</p> <p>2 A The very first of my hiring.</p> <p>3 Q So back in 2008?</p> <p>4 A Yeah, roughly, give or take. I'm not sure</p> <p>5 of the exact year.</p> <p>6 Q Did you work one trip?</p> <p>7 A It was part of a trip. He -- I'm not sure</p> <p>8 also if he -- I'm trying to remember if he filled in</p> <p>9 for another captain on another boat or not. I'm not</p> <p>10 sure. I just remember that part right there.</p> <p>11 Q How many days did you work when he was</p> <p>12 captain?</p> <p>13 A I couldn't tell you. That was years ago.</p> <p>14 Q Approximately.</p> <p>15 A I honestly couldn't tell you. That was</p> <p>16 year ago.</p> <p>17 Q Less than a full trip?</p> <p>18 A Oh, yes.</p> <p>19 Q Just five days? Is that a good estimate?</p> <p>20 A Maybe more or less.</p> <p>21 Q Okay. You wouldn't have an estimate --</p> <p>22 A No.</p> <p>23 Q -- beyond five days?</p> <p>24 A That was years ago.</p> <p>25 Q Was it 2008?</p>	<p style="text-align: right;">63</p> <p>1 Q Does he know you're suing Marathon?</p> <p>2 A He's heard about it. He doesn't know</p> <p>3 anything specific about it.</p> <p>4 Q How has he heard about it, if you know?</p> <p>5 A Just by talks between me and my mom, him</p> <p>6 hearing. I don't know exactly what's been said.</p> <p>7 Q Have you talked to him about this</p> <p>8 litigation?</p> <p>9 A No.</p> <p>10 Q Have you talked to your mom about the</p> <p>11 litigation?</p> <p>12 A I've just told her what's going on</p> <p>13 medical-wise. I mean, she's been to some of the</p> <p>14 doctors with me. She's had to drive me.</p> <p>15 Q Does your ex-wife know about your</p> <p>16 litigation?</p> <p>17 A I do not know. I don't believe so.</p> <p>18 Q Okay. You haven't talked to her about</p> <p>19 that?</p> <p>20 A No. We're only allowed to talk to each</p> <p>21 other via text or email about the kids only. That's</p> <p>22 it.</p> <p>23 Q I see. All right. Have you all touched</p> <p>24 each other, fought physically, you and your wife,</p> <p>25 ex-wife?</p>
<p style="text-align: right;">62</p> <p>1 A Yes.</p> <p>2 Q So it was eight years ago?</p> <p>3 A Yes.</p> <p>4 Q And you wouldn't have any other estimate</p> <p>5 than five days?</p> <p>6 A I don't know.</p> <p>7 Q You haven't worked with him since that</p> <p>8 time?</p> <p>9 A No.</p> <p>10 Q Do you remember which boat it was on?</p> <p>11 A No.</p> <p>12 Q What position did you hold at the time?</p> <p>13 A Deckhand.</p> <p>14 Q Deckhand what? One, two or three?</p> <p>15 A Three.</p> <p>16 Q What did he think of you as a deckhand, if</p> <p>17 you know?</p> <p>18 A I do not know.</p> <p>19 Q What's your mom's residence address?</p> <p>20 A I do not have her address. I don't know</p> <p>21 her address by heart.</p> <p>22 Q Do you see her very often?</p> <p>23 A Yes.</p> <p>24 Q Do you see Mark very often?</p> <p>25 A Maybe once or twice every two months.</p>	<p style="text-align: right;">64</p> <p>1 A No.</p> <p>2 Q So there's no charges of battery against</p> <p>3 you?</p> <p>4 A No.</p> <p>5 Q Are there any charges of battery that you</p> <p>6 have against her?</p> <p>7 A No. I don't have anything on her. There</p> <p>8 has been some in the past.</p> <p>9 Q She has hit you before?</p> <p>10 A Not hit me.</p> <p>11 Q What did she do?</p> <p>12 A Fired my gun at me.</p> <p>13 Q You ever fired a gun at her?</p> <p>14 A No.</p> <p>15 Q What kind of gun do you have?</p> <p>16 A .9 mm.</p> <p>17 Q Glock?</p> <p>18 A Hold on a second, let me think.</p> <p>19 Q Glock, Ruger?</p> <p>20 A Ruger.</p> <p>21 Q Smith and Wesson?</p> <p>22 A Ruger.</p> <p>23 Q So is it a Ruger 1911, the kind with eight</p> <p>24 rounds in the handle?</p> <p>25 A Ruger P89, I believe it is.</p>

<p>65</p> <p>1 Q That's an automatic, semi-automatic?</p> <p>2 A I don't know what you -- I'm not much into</p> <p>3 the gun. I just bought the gun and have the license</p> <p>4 to carry it for protection purposes.</p> <p>5 Q Okay. It's a revolver then?</p> <p>6 A It's not a round revolver. You have a</p> <p>7 clip that you stick in there.</p> <p>8 Q Okay, I see. And it's a Ruger brand?</p> <p>9 A Yes.</p> <p>10 Q And you have a license to carry for the</p> <p>11 State of Indiana?</p> <p>12 A Yes.</p> <p>13 Q When did you get that license to carry?</p> <p>14 A I would have to get my license out to find</p> <p>15 the years.</p> <p>16 Q Approximately.</p> <p>17 A I would have to get my license out.</p> <p>18 Q Do you have it with you?</p> <p>19 A Yes.</p> <p>20 Q Pull it out, please. Get your driver's</p> <p>21 license out too. I'd like to have that number too.</p> <p>22 You still at a six?</p> <p>23 A Six, seven, yes.</p> <p>24 Q How long did your drive take, while you're</p> <p>25 getting that out?</p>	<p>67</p> <p>1 many stops you made?</p> <p>2 A No. It was more than one. I know that.</p> <p>3 Q Okay. So I'll have to take her deposition</p> <p>4 to find out how many exactly she made?</p> <p>5 A I don't know exactly. I know it was more</p> <p>6 than one.</p> <p>7 Q Who drove?</p> <p>8 A Marci.</p> <p>9 Q The whole time?</p> <p>10 A Yes.</p> <p>11 Q Did you sit in the front seat?</p> <p>12 A Yes.</p> <p>13 Q Kids in the back?</p> <p>14 A Yes.</p> <p>15 Q Did you stop and eat or just stop?</p> <p>16 A We stopped to get some -- she bought the</p> <p>17 kids some food, breakfast.</p> <p>18 Q Did you all get out of the car?</p> <p>19 A Yes.</p> <p>20 Q Where did you eat?</p> <p>21 A She bought them McDonald's.</p> <p>22 Q So you all got out of the car to eat at</p> <p>23 McDonald's for the kids?</p> <p>24 A She walked in with them, got them</p> <p>25 something to eat. I stood up out of the car.</p>
<p>66</p> <p>1 A Roughly about five hours, four hours, five</p> <p>2 hours.</p> <p>3 Q And did you drive up this morning?</p> <p>4 A Yes.</p> <p>5 Q So what time did you leave?</p> <p>6 A Let's see, we got here exactly at 9:00.</p> <p>7 We left about -- got my kids ready. I didn't look</p> <p>8 at the clock when we stepped out the door. I</p> <p>9 remember waking up at four and I hurried up and got</p> <p>10 dressed. I don't know the exact time.</p> <p>11 Q So you probably left around five,</p> <p>12 something like that?</p> <p>13 A I got the kids ready, got them dressed</p> <p>14 real quick. They jumped in the car. I don't know</p> <p>15 the exact time.</p> <p>16 Q So someplace between when you woke up at</p> <p>17 four and five, and you got here at nine?</p> <p>18 A Yes.</p> <p>19 Q And did you make any stops along the way?</p> <p>20 A Quite a few.</p> <p>21 Q How many stops?</p> <p>22 A I don't remember. I didn't count.</p> <p>23 Q You stopped once to get gas?</p> <p>24 A She already had it filled up.</p> <p>25 Q Okay. So you don't have any estimate how</p>	<p>68</p> <p>1 Q So you didn't eat?</p> <p>2 A No.</p> <p>3 Q You don't have an estimate of how many</p> <p>4 other times you stopped?</p> <p>5 A Stopped another time for a bathroom break,</p> <p>6 stopped -- I would just say more than once. I can't</p> <p>7 really --</p> <p>8 Q You didn't have to stop for you to get out</p> <p>9 and stretch or anything like that?</p> <p>10 A Yeah, we stopped for me also.</p> <p>11 Q How many times did you stop for you?</p> <p>12 A I needed to stop, of course, and that's</p> <p>13 when they got the food. I needed to stop again. We</p> <p>14 used the bathroom again for that. So it was more</p> <p>15 than two times. Right off the top of my head, I</p> <p>16 don't remember exactly.</p> <p>17 Q How long can you drive before you need to</p> <p>18 stop? An hour or so?</p> <p>19 A It really varies on my back, what's going</p> <p>20 on.</p> <p>21 Q Like today, how long were you able to</p> <p>22 drive before you had to stop?</p> <p>23 A Maybe about 30, 45 minutes.</p> <p>24 Q Do you think you stopped every 30 or 45</p> <p>25 minutes on your trip here?</p>

<p style="text-align: right;">69</p> <p>1 A I don't know. I didn't look at the clock. 2 I couldn't tell you. 3 Q Go ahead and get your cards out for me. 4 Is that your driver's license? Can I look at that 5 while you're rooting through your things? 6 A Yeah. Here's that. 7 Q This is your license to carry? 8 A Yes. It's a lifetime. 9 Q Okay. Thank you, Ryan. Mr. Ruddell, 10 you've handed me your license to carry a handgun by 11 the State of Indiana. That license number is 12 1664010. Is that true, sir? 13 A Yes. 14 Q And you've also handed me you Indiana 15 operator's license, and that driver's license number 16 is 1720-33-7682. I read it properly. Is that true, 17 sir? 18 THE WITNESS: Can you repeat the last 19 driver's license number? I can make sure he got it 20 right. 21 (The requested portion of the 22 record read by the reporter.) 23 A Yes. 24 Q (By Mr. Massey) And the license to carry 25 is a lifetime?</p>	<p style="text-align: right;">71</p> <p>1 Q And you were an investigator slash 2 security? 3 A Yes. 4 Q What years did you do that? This thing 5 looks like it expires in 2009. 6 A This is part-time. This is whenever he 7 had business for whatever he would -- hey, I need 8 help doing this. 9 Q I see. 10 A Or I need help doing that or, hey, I need 11 private security for -- this person is wanting to 12 call it in. You just did it. 13 Q And you know you did that between 14 graduating from high school and the time you went to 15 Marathon? 16 A Yes. 17 Q Do you have another estimate, a better 18 estimate as to exactly when you worked for them? 19 A No. Like I said, it was part-time off and 20 on, just whenever he had the business and wanted it. 21 Q Okay. And you don't have an estimate of 22 the number of years when, what years? 23 A Does it say on here how long? 24 Expiration -- I'm not sure how good this -- how 25 far -- how many years this license is active for</p>
<p style="text-align: right;">70</p> <p>1 A Correct. 2 Q And what was the reason that you got that 3 license to carry? 4 A Personal protection. 5 Q At some point, were you an investigator? 6 A Yes. 7 Q When were you an investigator 8 approximately? 9 A Hold on a second. I was an investigator 10 slash security. There's the license for that one. 11 I didn't read the date on there. That's when it 12 expired, I guess, the expiration date on it. 13 Q What you handed me, Ryan, was an Indiana 14 Professional Licensing Agency Detective Board, 15 Washington Street, Indianapolis, Indiana, with a 16 phone number of (317)234-3040. Your license number 17 is AE20708772 with an expiration date of 03/20/2009, 18 which is March 20, 2009. License status says 19 active. And it's through Decker Investigations. 20 And the apparently that company number is PD10700031 21 in Evansville. 22 A Yes. 23 Q And you worked there at that Decker 24 Investigations? 25 A Yes.</p>	<p style="text-align: right;">72</p> <p>1 without looking it up online or finding it out. 2 Q In the interrogatories that I sent to you 3 that you answered -- you with me so far? 4 A Yes. 5 Q In those interrogatories, there's an 6 interrogatory that asks for every person you've 7 worked for, all your employers, all the dates, their 8 addresses, what you made as salary, the description 9 of what you did, etcetera. And here's what you 10 said. 11 From what I remember, at 15 years of age I 12 worked at Evansville Marriott Hotel at Highway 41 in 13 North Evansville where I worked as a bellman, front 14 desk, period. Around 2000, I worked as a courier 15 for a subcontractor for Fifth Third Bank. Around 16 2001, I worked stock at Wal-Mart. I worked at 17 Decker Private Investigation and Security and at 18 Casey General Store as register and cook. I worked 19 at an industrial contractor based out of Evansville, 20 but worked at their Louisiana office for a few 21 months. And we'll talk about that in a second. I 22 worked as a subcontractor in satellite installation 23 for Dish and Inside Cable Company. I worked at 24 O'Reilly Auto Parts and Carquest. There may be a 25 few more I cannot recall at this time.</p>

<p style="text-align: right;">73</p> <p>1 Do you remember answering like that?</p> <p>2 A Yeah, that sounds familiar.</p> <p>3 Q Okay. You didn't give me any dates. Is</p> <p>4 that because you don't have an estimate for any of</p> <p>5 the dates that you worked for any of those?</p> <p>6 A Like I said before, my ex took the box</p> <p>7 with all my resumes and everything. My computer is</p> <p>8 broken.</p> <p>9 Q All right.</p> <p>10 A I don't have -- without getting the tax</p> <p>11 information and then going through things, I don't</p> <p>12 have the exact dates. Those are years and years</p> <p>13 ago.</p> <p>14 Q I understand. And as you sit here today,</p> <p>15 even though you've had all this time to reflect on</p> <p>16 it since you answered the interrogatory, you still</p> <p>17 don't have any estimates of when you worked for</p> <p>18 those?</p> <p>19 A As of right now, I don't remember.</p> <p>20 Q Your duties at Decker Private</p> <p>21 Investigation and Security, that was a job that you</p> <p>22 had where they would call you and ask you -- and</p> <p>23 give you specific assignments?</p> <p>24 A Yes.</p> <p>25 Q And how long would those assignments</p>	<p style="text-align: right;">75</p> <p>1 Q So you could go to a building and stay</p> <p>2 overnight?</p> <p>3 A We were one of the very --</p> <p>4 Q With a gun?</p> <p>5 A We were one of the very few with a license</p> <p>6 to have a gun.</p> <p>7 Q I see. So you could stay at a factory</p> <p>8 overnight to make sure nobody stole something?</p> <p>9 A We didn't, but yeah, we could.</p> <p>10 Q Did you ever do that?</p> <p>11 A No.</p> <p>12 Q All right. When you say the other stuff,</p> <p>13 the investigation, what you mean is you would go out</p> <p>14 and investigate fraud by trying to find people if</p> <p>15 they were doing something that was inconsistent with</p> <p>16 what they said they were doing?</p> <p>17 A It could be insurance fraud, it could have</p> <p>18 been you cheated, cheaters, you know, you've seen on</p> <p>19 TV, like see another person -- a lot of them were</p> <p>20 those, see if my boyfriend is cheating, see if my</p> <p>21 husband soon-to-be is cheating.</p> <p>22 Q I just want to make sure. So an</p> <p>23 individual person could hire you if they suspected</p> <p>24 their wife or their spouse of cheating on them with</p> <p>25 another person, you could go hide out undercover of</p>
<p style="text-align: right;">74</p> <p>1 typically last?</p> <p>2 A It really varied.</p> <p>3 Q What kind of things would you be asked to</p> <p>4 do?</p> <p>5 A Insurance fraud, helped out -- like for</p> <p>6 instance, one person, we would -- I went with</p> <p>7 another guy, got into a Dish Network van, labeled it</p> <p>8 up, knocked on his door in a suit saying Dish, had</p> <p>9 him come to the door without his neck brace on</p> <p>10 saying he had all these wrongs with him and proved</p> <p>11 him wrong.</p> <p>12 Q I see.</p> <p>13 A And got pictures of him. When somebody</p> <p>14 would do that I would take pictures or follow</p> <p>15 somebody. Or security-wise, we would, like I said,</p> <p>16 private security, just make sure they are safe or</p> <p>17 whatever the company wanted --</p> <p>18 Q You say private security. Would you go to</p> <p>19 a --</p> <p>20 A If an individual wanted security, we would</p> <p>21 be security for that individual. If a company or</p> <p>22 business would, we would do the company or business.</p> <p>23 Q So if it was a company, does that mean</p> <p>24 you'd be like a night guard, that kind of security?</p> <p>25 A Yeah, you could do that too.</p>	<p style="text-align: right;">76</p> <p>1 some sort?</p> <p>2 A We could take pictures in public, do</p> <p>3 whatever -- get just them information they could</p> <p>4 use.</p> <p>5 Q Against the person?</p> <p>6 A Not against. They could use it for</p> <p>7 themselves. If they wished to proceed legally or</p> <p>8 something, that was there. We would collect the</p> <p>9 information and just give it to them.</p> <p>10 Q And then you mentioned you would also go</p> <p>11 to a house. If a person were claiming an injury to</p> <p>12 their neck or something, you could go to their house</p> <p>13 in a suit like you're a Dish person, and if they</p> <p>14 came to the door without a neck brace like you would</p> <p>15 think they would be wearing you could take their</p> <p>16 picture or do that?</p> <p>17 A There was an instance like that. The</p> <p>18 doctor stated he had to wear a neck brace, he had</p> <p>19 whiplash, he had to wear this and that. So we went</p> <p>20 there. He wasn't wearing it. We just took</p> <p>21 information, pictures, and just --</p> <p>22 Q Did you do surveillance as well?</p> <p>23 A That was part of surveillance.</p> <p>24 Q You'd call that surveillance?</p> <p>25 A Yeah, sitting in the van, taking pictures.</p>

<p style="text-align: right;">77</p> <p>1 Q And you'd be taking pictures that --</p> <p>2 strike that. Somebody would ask you to go out and</p> <p>3 snoop around on a person. If they were doing</p> <p>4 something inconsistent, you were supposed to take a</p> <p>5 picture of what they were doing that was</p> <p>6 inconsistent with what they were claiming they had?</p> <p>7 A We just collected information for them and</p> <p>8 gave it to our company. I don't know if you would</p> <p>9 call them manager or whatever, the Decker</p> <p>10 Investigation guy. He would type it all up, collect</p> <p>11 the information, and give it to whatever person --</p> <p>12 Q Hired him?</p> <p>13 A Yeah. We just collected information</p> <p>14 basically.</p> <p>15 Q Did you get training to do that job?</p> <p>16 A No.</p> <p>17 Q How did you learn how to do that?</p> <p>18 A They just showed me. I mean, we hired on</p> <p>19 there and he took me -- basically it's just drive</p> <p>20 around, I mean, take pictures. It isn't really</p> <p>21 hard.</p> <p>22 Q Did they ever have you follow people in</p> <p>23 cars, things like that?</p> <p>24 A I personally didn't, no.</p> <p>25 Q Okay. What other kind of things did you</p>	<p style="text-align: right;">79</p> <p>1 you do there?</p> <p>2 A Third shift stock.</p> <p>3 Q What?</p> <p>4 A Third shift stock.</p> <p>5 Q Stock product?</p> <p>6 A Uh-huh.</p> <p>7 Q You said you did that around 2001. Is</p> <p>8 that still the date you want to go with?</p> <p>9 A That was around about year.</p> <p>10 Q That was your best estimate?</p> <p>11 A Yes.</p> <p>12 Q How long did you hold that job at</p> <p>13 Wal-Mart?</p> <p>14 A I couldn't tell you.</p> <p>15 Q Was that stocking job a light job?</p> <p>16 A It was medium. It was pretty much taking</p> <p>17 like bottles of dishwasher detergent or something</p> <p>18 and putting it on the shelf.</p> <p>19 Q Like the heaviest thing you had to lift</p> <p>20 was ten pounds or something?</p> <p>21 A I couldn't tell you what the heaviest</p> <p>22 thing I could have had to lift was.</p> <p>23 Q It was a light job, a medium job or heavy</p> <p>24 job?</p> <p>25 A If I had to describe it, I would have to</p>
<p style="text-align: right;">78</p> <p>1 do as an investigator?</p> <p>2 A Just what I stated, the security part</p> <p>3 and --</p> <p>4 Q Surveillance?</p> <p>5 A Yeah, whatever you want to call it.</p> <p>6 Q Okay. Did you ever call it surveillance?</p> <p>7 Is that what it's called?</p> <p>8 A I never personally called it that.</p> <p>9 Q But that's what it was?</p> <p>10 A If you want to call it that. I don't</p> <p>11 know. We just collected information.</p> <p>12 Q Did you ever do computer searches as part</p> <p>13 of that to find out things on the internet or</p> <p>14 whatever?</p> <p>15 A I personally didn't.</p> <p>16 Q All right. Have we described everything</p> <p>17 that you did at Decker Investigation as far as what</p> <p>18 you did?</p> <p>19 A I believe so.</p> <p>20 Q You heard what I read as far as the jobs</p> <p>21 that you had. Are there any jobs to add to what you</p> <p>22 said before?</p> <p>23 A Right now off the top of my head, I can't</p> <p>24 remember any more.</p> <p>25 Q You said you worked at Wal-Mart. What did</p>	<p style="text-align: right;">80</p> <p>1 call it light to medium.</p> <p>2 Q Okay.</p> <p>3 A I mean, there would be -- if anything was</p> <p>4 heavy, we had a forklift to really lift it.</p> <p>5 Q So it was a light to medium job? Is that</p> <p>6 the way you would describe it? Is that fair?</p> <p>7 A Yeah.</p> <p>8 Q How about the job at Decker? Was that a</p> <p>9 light job?</p> <p>10 A Yeah.</p> <p>11 Q Didn't involve any lifting?</p> <p>12 A No.</p> <p>13 Q How about the job at Dish and at Inside</p> <p>14 Cable Company? Was that a light job?</p> <p>15 A Dish and Inside? I would consider it --</p> <p>16 well, I mean, there wasn't much heavy. It wasn't</p> <p>17 very heavy work. All it was was running little thin</p> <p>18 pieces of cable cord and whatever that Dish is,</p> <p>19 weighs.</p> <p>20 Q So would you describe it as a light job?</p> <p>21 A I personally would, yes.</p> <p>22 Q Now, did you have to use a ladder?</p> <p>23 A Yes.</p> <p>24 Q You would probably have to climb up a</p> <p>25 ladder. Is that right?</p>

<p style="text-align: right;">81</p> <p>1 A Yes.</p> <p>2 Q So you'd have to have the ability to do</p> <p>3 that.</p> <p>4 A Yes.</p> <p>5 Q But other than that, it would be a light</p> <p>6 job?</p> <p>7 A Yeah.</p> <p>8 Q How about the job at Marriott? Was that a</p> <p>9 light job as well?</p> <p>10 A If you want to talk weight-wise, carrying</p> <p>11 stuff, light to medium. It just really varied on</p> <p>12 what -- at the beginning, when I was 15, 16, we</p> <p>13 did -- I helped set up for the banquets, and that</p> <p>14 would -- because they had big, round tables. But we</p> <p>15 didn't lift them. We basically just rolled them.</p> <p>16 Q So overall --</p> <p>17 A Are you asking physically demanding?</p> <p>18 Q Yes.</p> <p>19 A Yes, it would be -- depending on the job</p> <p>20 they had me do there, it would be light to medium,</p> <p>21 every once in a blue moon heavy.</p> <p>22 Q How about the job as a courier for Fifth</p> <p>23 Third? Was that a light job?</p> <p>24 A It was light.</p> <p>25 Q That was just driving.</p>	<p style="text-align: right;">83</p> <p>1 A I'm trying to think of the word.</p> <p>2 Automotive -- where you would get your car fixed,</p> <p>3 whatever.</p> <p>4 Q So if somebody was going to fix your</p> <p>5 brakes, they would call O'Reilly, O'Reilly would get</p> <p>6 in the --</p> <p>7 A The company would call O'Reilly, find the</p> <p>8 brake pads, and I would drive it to them.</p> <p>9 Q So you would drive it in an O'Reilly truck</p> <p>10 with the brake pads to the service place, give them</p> <p>11 the stuff, they would take the pads and --</p> <p>12 A They would sign for the ticket.</p> <p>13 Q All right. That was a light job as well?</p> <p>14 A Sometimes it could be heavy because of</p> <p>15 some of those parts.</p> <p>16 Q Would you have a lifter, something to lift</p> <p>17 it with?</p> <p>18 A There was a few times that happened that</p> <p>19 they bought a whole engine. They had a lifter for</p> <p>20 that, of course. They put it in the truck. Nobody</p> <p>21 would lift that.</p> <p>22 Q The heaviest part that you would have to</p> <p>23 deliver would be in a box that weighed 20 pounds?</p> <p>24 Would that be the heaviest thing you ever had?</p> <p>25 A I don't know the exact weight of those. I</p>
<p style="text-align: right;">82</p> <p>1 A Yes.</p> <p>2 Q Didn't have to pick up anything heavy?</p> <p>3 A No.</p> <p>4 Q So that would be considered light?</p> <p>5 A Yes.</p> <p>6 Q So you worked as Casey's General Store at</p> <p>7 the register?</p> <p>8 A Yes.</p> <p>9 Q Was that at a cash register?</p> <p>10 A Yeah, just a gas station, at the gas</p> <p>11 station with the register and they had food.</p> <p>12 Q I gotcha. And cook, what would you do</p> <p>13 cooking?</p> <p>14 A Made pizzas slash whatever else they had</p> <p>15 on the menu, little sandwiches, little bitty gas</p> <p>16 station food.</p> <p>17 Q That's a light job as well?</p> <p>18 A Yeah.</p> <p>19 Q Is that true?</p> <p>20 A Yes.</p> <p>21 Q What did you do at O'Reilly Auto Parts and</p> <p>22 Carquest?</p> <p>23 A O'Reilly, I was a driver. I drove the</p> <p>24 parts to the places.</p> <p>25 Q To the what?</p>	<p style="text-align: right;">84</p> <p>1 mean, there's drums, there's axles. Some of those</p> <p>2 are pretty heavy depending on the vehicle.</p> <p>3 Sometimes there's tractor parts.</p> <p>4 Q You would move those with dollies and that</p> <p>5 sort of thing?</p> <p>6 A Yes.</p> <p>7 Q So you'd have mechanical lift assist?</p> <p>8 A Yes.</p> <p>9 Q But the basic job of driving and being a</p> <p>10 driver and using the mechanical lift --</p> <p>11 A But when you got to the places sometimes</p> <p>12 you'd have to have people help you because you</p> <p>13 didn't have the lift there. Some of the places are,</p> <p>14 of course, mom and pop stores.</p> <p>15 Q So that could be light to medium?</p> <p>16 A Sometimes heavy, yeah.</p> <p>17 Q Sometimes heavy. How long did you do that</p> <p>18 job at O'Reilly?</p> <p>19 A Maybe -- I couldn't tell you right off.</p> <p>20 Maybe a year or two, maybe less.</p> <p>21 Q Was that a full-time job?</p> <p>22 A Yes.</p> <p>23 Q So while you were doing that, you weren't</p> <p>24 doing these detective jobs or any of the other jobs?</p> <p>25 A I don't think so.</p>

<p style="text-align: right;">85</p> <p>1 Q Did your wife ever work while you were 2 married? 3 A A couple times. 4 Q What did she do? 5 A I'm trying to think. I know she had a gas 6 station job once. 7 Q Pumping gas? 8 A Just a register. I know she went to 9 school for hair, but she dropped out of that. 10 Q You mean like a cosmetologist or whatever 11 you call it? 12 A Yeah, cut hair. 13 Q Cosmetologist. Anything else you 14 remember? 15 A I honestly can't remember much about what 16 she did. 17 Q Do you have to pay your ex-wife alimony or 18 maintenance or anything like that? 19 A No. 20 Q Does she pay you anything? 21 A She's supposed to. 22 Q What's she supposed to pay you? 23 A Child support. 24 Q How much is she supposed to pay you? 25 A The last court hearing was updated. She</p>	<p style="text-align: right;">87</p> <p>1 Q Okay. So she claimed them as a deduction 2 on the tax return, and that was technically -- that 3 was fraud of some sort because she took the 4 deduction when you were taking care and supporting 5 the kids? 6 A And in the State of Indiana, if you 7 haven't paid -- the state law is if you haven't 8 paid -- I want to say 95, I'm not sure of the exact 9 percent, but it's over 90 percent of child support, 10 the custodial parent gets to claim both children. 11 In the divorce decree, she claims one, I claim one. 12 But she hadn't paid child support in full, so I got 13 to claim them. Well, she claimed them anyways. 14 Q I gotcha. 15 A And she claimed them and she paid up real 16 quick, thought she could double dip -- I don't know 17 how you would -- she tried to pay it up real quick. 18 Well, if you haven't paid by the end of the month, 19 the way the divorce decree is worded, she has to pay 20 in full child support, not 95, everything. But 21 she's still thousands of dollars behind. 22 Q Are there any criminal charges to your 23 knowledge against your wife? 24 A I have no idea. 25 MR. O'BRYAN: You mean his ex-wife?</p>
<p style="text-align: right;">86</p> <p>1 was supposed to pay \$82 a week plus another ten 2 dollars added onto that for arrearages plus her 3 taxes I was supposed to get. 4 Q Is that 82 per week per child? 5 A No, that's 40 something per child, so 82. 6 Q I see. 82 times four per month would be 7 about 320, 340 dollars per month, whatever that is? 8 A It's \$82 a week. That's what they just 9 wrote it up as. 10 Q How long is she in arrears? 11 A She's well over \$5,000. 12 Q Oh, wow. So she's been in arrears for 13 several years? 14 A This is another contempt charge. 15 Q That's another reason she's in contempt 16 allegedly is because she owes all this back child 17 support to you? 18 A And other things, yes. That's one of 19 many. 20 Q So that's one reason why you don't have as 21 much money to take care of the kids, because she's 22 behind in her child support? 23 A She made one payment one year. That was 24 after she got her taxes. And she claimed the kids 25 whenever she wasn't supposed to.</p>	<p style="text-align: right;">88</p> <p>1 MR. MASSEY: Yes. 2 Q (By Mr. Massey) You understood that, 3 didn't you? 4 A I knew what you meant. 5 Q We've gone through your jobs here. Are 6 there any other jobs you had before you worked 7 for -- strike that. Are there any other jobs that 8 you've had besides the ones that you refer to in 9 interrogatory answer number three and that we have 10 gone through here in the deposition that you haven't 11 told me about before you started working with 12 Marathon? 13 A Everything there is just the best of my 14 knowledge. That's what I can remember right off the 15 top of my head without trying to find out and 16 research. 17 Q I understand. But you answered these 18 interrogatories and swore to their accuracy in May, 19 so well over a month or so ago. So you had days 20 before you answered them and you've had days since 21 then to think of any others. Are there any other 22 employers that you've had, any other jobs that 23 you've had, since you started working before 24 Marathon other than those in answer to interrogatory 25 number three and the ones you've told me?</p>

<p style="text-align: right;">89</p> <p>1 A That was to the best of my knowledge.</p> <p>2 Q And is it still --</p> <p>3 A I never thought about it, nobody told me I</p> <p>4 had to come up with anything extra or try to do</p> <p>5 anything. That was to the best of my knowledge.</p> <p>6 And still to this day, at this point, I do not</p> <p>7 remember. I don't know.</p> <p>8 Q Okay. That's what I was going to ask you.</p> <p>9 Is it still to the best of your knowledge?</p> <p>10 A As I remember, that's -- I mean, as of</p> <p>11 today that's what I -- I don't remember exactly</p> <p>12 everything.</p> <p>13 Q When did you join the Indiana National</p> <p>14 Guard?</p> <p>15 A Oh, Lord, I don't remember the date.</p> <p>16 Q How long was it after high school?</p> <p>17 A It was under -- I graduated in '99. It</p> <p>18 was in-between '99 and maybe 2001. I'll just go</p> <p>19 ahead and say 2002, less than 2002, between '99. It</p> <p>20 was in-between those years.</p> <p>21 Q What did you have to do to join?</p> <p>22 A Walked in --</p> <p>23 Q Just go down to the office and apply?</p> <p>24 A Applied and had physicals and everything</p> <p>25 done.</p>	<p style="text-align: right;">91</p> <p>1 people try to jump out windows and do things.</p> <p>2 Basically the alarm was set off. I came flying out</p> <p>3 of my bunk, on the top bunk, and broke my foot.</p> <p>4 Q So you said two kids were trying to get</p> <p>5 out. You mean two people that were --</p> <p>6 A They were going home because their grandma</p> <p>7 died.</p> <p>8 Q But they were two men that were involved</p> <p>9 in the national guard? Or did you --</p> <p>10 A Yeah, I guess you would call them men.</p> <p>11 Q You said kids. I envisioned --</p> <p>12 A I mean, they weren't 30 something years</p> <p>13 old or anything. They were younger kids. They were</p> <p>14 18 plus.</p> <p>15 Q Okay. But they weren't little bitty kids</p> <p>16 who --</p> <p>17 A No.</p> <p>18 Q They were in the same program as you?</p> <p>19 A Yes, boot camp.</p> <p>20 Q And somehow in the mix-up as they were</p> <p>21 trying to get out --</p> <p>22 A Their grandmother died, drill sergeant</p> <p>23 came in the door, alarm went off, jumped off my bunk</p> <p>24 bed, thought it was a fire or some type of drill</p> <p>25 going on from the drill sergeant for basic training,</p>
<p style="text-align: right;">90</p> <p>1 Q And did you go through some sort of basic</p> <p>2 training?</p> <p>3 A I went through the basic -- I didn't</p> <p>4 actually finish the basic training. We started it.</p> <p>5 Q Did you get hurt?</p> <p>6 A Yes.</p> <p>7 Q How long was the basic training?</p> <p>8 A Basic training is nine weeks back then,</p> <p>9 but then you also had a week of -- when you first</p> <p>10 get there you have a full week of getting shots and</p> <p>11 your uniforms and all that.</p> <p>12 Q So you completed that week?</p> <p>13 A Yeah.</p> <p>14 Q And then when did you get hurt during the</p> <p>15 process?</p> <p>16 A Almost immediately right after.</p> <p>17 Q How did you get hurt?</p> <p>18 A Two kids' grandma died, twins, their</p> <p>19 grandma died. Well, they didn't notify anybody.</p> <p>20 The doors have alarm systems on them and they set</p> <p>21 off like fire alarms. Drill sergeant came in,</p> <p>22 opened up the door, grabbed them. The fire alarm</p> <p>23 went off. They forgot to shut it off. It's</p> <p>24 basically an alarm so nobody can escape or try to</p> <p>25 leave because apparently in boot camps a lot of</p>	<p style="text-align: right;">92</p> <p>1 broke my foot.</p> <p>2 Q So you basically jumped off your bunk, and</p> <p>3 when you did that you landed in such way that you</p> <p>4 broke your foot?</p> <p>5 A Yes.</p> <p>6 Q Is that all there was to it?</p> <p>7 A Yes.</p> <p>8 Q Did you have to leave the program at that</p> <p>9 point?</p> <p>10 A They gave me a medical discharge.</p> <p>11 Q So you never completed the thing?</p> <p>12 A No.</p> <p>13 Q Tell me about your injury. Did you get</p> <p>14 treatment for it?</p> <p>15 A Yes.</p> <p>16 Q Where did you get treatment?</p> <p>17 A From -- I had to stay there until I got</p> <p>18 decent enough to be able to walk on my foot. They</p> <p>19 treated me there at boot camp in Fort Sill,</p> <p>20 Oklahoma.</p> <p>21 Q Where was it, Fort Sill?</p> <p>22 A Yeah.</p> <p>23 Q What was done to your foot to get it</p> <p>24 better?</p> <p>25 A Basically they wrapped it up and just had</p>

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1 to stay off of it. It was swollen.
 2 Q Okay. They didn't have to operate on you?
 3 A No.
 4 Q They didn't have to cut it open and put
 5 any pins in it?
 6 A No, basically just set a bone.
 7 Q Did they put you in a cast?
 8 A No.
 9 Q So it was just bandaged?
 10 A Yes, bandaged very well.
 11 Q What's your understanding of exactly what
 12 part of your foot was broken?
 13 A It was just one of the bones inside my
 14 foot. There's many bones. I don't remember exactly
 15 which bone it was.
 16 Q Okay. Was it on top of your foot, below
 17 your foot, the heel, the toes?
 18 A Inside my foot.
 19 Q Was it the ankle or foot itself?
 20 A No, it was the foot itself.
 21 Q I see. Did you have to get any treatment
 22 after you got your initial treatment there at Fort
 23 Sill?
 24 A I can't remember if I followed up with the
 25 family doctor or if anything was sent to him or not.

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1 I don't know.
 2 Q Okay.
 3 A I don't remember if I still had the same
 4 family doctor back then as I do now because there's
 5 a couple that switched.
 6 Q All right. Is that the only injury,
 7 illness or accident that you ever had up until the
 8 time you went to work for Marathon that you got any
 9 treatment for?
 10 A I mean, other than stitches from when I
 11 was a kid or things like that, a broken ankle. I've
 12 had a broken ankle, shattered it.
 13 Q When did you do that?
 14 A I know I was over 21. I remember that
 15 because they had a party down at the lake. It
 16 wasn't a lake. It was a river. It was a river
 17 camp.
 18 Q You were 21?
 19 A I was over 21. I remember that.
 20 Q Because you were drinking?
 21 A I was 21 or over. Actually, I just got
 22 off of work and I had one Crown and Coke.
 23 Q Where had you been working?
 24 A I don't remember.
 25 Q If you were born in '81 and it was past

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1 21, it would have been at least 2003, I guess, 2003,
 2 2004. Does that sound right?
 3 A Maybe. I'd have to get the records from
 4 the hospital to see exactly. I'm sure they would
 5 keep that somewhere.
 6 Q How did you scatter your ankle?
 7 A Stepped in a hole where the river was up
 8 and came down. Of course, you've got the river camp
 9 on the side. I stepped in a hole, went backwards.
 10 The foot stayed the same and I went backwards.
 11 Q And you had had a Crown and Coke?
 12 A Yeah.
 13 Q Were you drunk?
 14 A No.
 15 Q How did they treat your shattered ankle?
 16 A A steel plate on one side and screws and
 17 another screw on the inside and a cast.
 18 Q Was that the same foot as you had
 19 fractured at Fort Sill?
 20 A I think it was the other foot.
 21 Q Let's go back then. Which foot was hurt
 22 at Fort Sill?
 23 A I believe it was my right one.
 24 Q And which foot was hurt that was
 25 shattered?

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1 A The left one.
 2 Q So it's a different foot?
 3 A I believe it was. I'm not one hundred
 4 percent sure. I can't remember which foot was
 5 shattered. The shattered one, I have the scar to
 6 prove it. That's this left foot.
 7 Q Okay.
 8 A The broken one at Fort Sill, I'm not one
 9 hundred percent sure, but I believe it was my right
 10 foot.
 11 Q Is the steel plate still in there?
 12 A Yes.
 13 Q Screws still in there?
 14 A Yes.
 15 Q And that was in the ankle?
 16 A Yes.
 17 Q So that was not the foot itself, it was
 18 your ankle area?
 19 A Ankle slash going into -- yeah.
 20 Q It was whatever bone that goes into your
 21 foot, that joint?
 22 A It was the joint, and I'm not sure what
 23 else part shattered down there. I'd have to look at
 24 the X-rays.
 25 Q That cause you to limp a little bit still

<p style="text-align: right;">97</p> <p>1 to this day?</p> <p>2 A No.</p> <p>3 Q How long did the limp persist?</p> <p>4 A I couldn't tell you.</p> <p>5 Q So --</p> <p>6 A I was on crutches for a little while and</p> <p>7 then had a touch of physical therapy and then it was</p> <p>8 done.</p> <p>9 Q To put the steel plate and the screws in,</p> <p>10 obviously they had to open up your ankle and do</p> <p>11 surgery on that?</p> <p>12 A Correct.</p> <p>13 Q Have you had any other accidents,</p> <p>14 injuries, or illnesses for which you received</p> <p>15 medical care up until the time you went to work with</p> <p>16 Marathon?</p> <p>17 A As I said, growing up, I had a broken</p> <p>18 wrist when I was a kid, six years old.</p> <p>19 Q Which wrist?</p> <p>20 A Right wrist.</p> <p>21 Q Was that casted?</p> <p>22 A Yes.</p> <p>23 Q Any operation?</p> <p>24 A No.</p> <p>25 Q No surgery?</p>	<p style="text-align: right;">99</p> <p>1 I was in elementary school. This one I was real</p> <p>2 young.</p> <p>3 Q That's your head you're talking about?</p> <p>4 A Yeah.</p> <p>5 Q Eyebrow, when is that?</p> <p>6 A That was elementary school too.</p> <p>7 Q Okay. Any other accidents, injuries or</p> <p>8 illnesses for which you received medical care until</p> <p>9 the time you went with -- to work with Marathon?</p> <p>10 A I would have to get -- to remember more, I</p> <p>11 mean, I'd have to get doctors' reports and</p> <p>12 everything. I mean, there's a bunch of illnesses.</p> <p>13 I mean, everybody gets sick and everybody gets --</p> <p>14 Q Well, Mr. Ruddell, I'm not trying to argue</p> <p>15 with you, but the answers to interrogatories ask</p> <p>16 that question and you answered that. And that was</p> <p>17 answered in May of 2016. So you've had at least a</p> <p>18 month or so before then to think about it and you've</p> <p>19 had up until now to think about it. Any other</p> <p>20 accidents, injuries or illnesses that you received</p> <p>21 medical --</p> <p>22 A I don't have my medical report. I can't</p> <p>23 tell you off the top of my head.</p> <p>24 Q You don't have your what?</p> <p>25 A Medical report.</p>
<p style="text-align: right;">98</p> <p>1 A No.</p> <p>2 Q They didn't have to open up your arm?</p> <p>3 A No.</p> <p>4 Q That healed up?</p> <p>5 A Yes.</p> <p>6 Q Any other accidents, injuries or illnesses</p> <p>7 for which you received medical care up until the</p> <p>8 time you went to work with Marathon? You mentioned</p> <p>9 stitches.</p> <p>10 A Yeah, I've had stitches here, my left</p> <p>11 eyebrow.</p> <p>12 Q Left eyebrow?</p> <p>13 A And up here. I don't know what you would</p> <p>14 call that part of the head.</p> <p>15 Q All right. Two different occasions?</p> <p>16 A Yes. And I've had stitches behind my ear.</p> <p>17 Q That's the third?</p> <p>18 A This is all little -- yes, this is as I'm</p> <p>19 growing up, a little kid.</p> <p>20 Q Were all those stitches before you were 12</p> <p>21 year old?</p> <p>22 A I couldn't tell you. I can't remember. I</p> <p>23 was young.</p> <p>24 Q Okay.</p> <p>25 A I remember the behind the ear one was when</p>	<p style="text-align: right;">100</p> <p>1 Q Where is your medical report?</p> <p>2 A Of course, the family doctor would have</p> <p>3 things to tell you when I was sick, if anything, any</p> <p>4 injuries had happened.</p> <p>5 Q I'm asking you from your mind.</p> <p>6 A As of right now, off the top of my head, I</p> <p>7 can't remember.</p> <p>8 Q All right. You started to work for</p> <p>9 Marathon in -- when did you say?</p> <p>10 A I want to say 2008. I can't remember off</p> <p>11 the top of my head.</p> <p>12 Q From the time you started working with</p> <p>13 Marathon up until your accident date, did you have</p> <p>14 any accidents, injuries or illnesses for which you</p> <p>15 received any medical attention?</p> <p>16 A I would have to get reports from my doctor</p> <p>17 to find out.</p> <p>18 Q You don't have a memory of any accidents,</p> <p>19 injuries or illnesses for which you had medical care</p> <p>20 from when you started with Marathon up until the</p> <p>21 time of your accident?</p> <p>22 A As of right now, off the top of my head, I</p> <p>23 can't remember.</p> <p>24 Q If you had any such accidents, injuries or</p> <p>25 illnesses, would you have told the doctors that you</p>

<p style="text-align: right;">101</p> <p>1 had been treating with even following your injury? 2 If they asked you about injuries, would you have 3 told them that? 4 A Told the doctors? 5 Q Yes. 6 A Which doctors? Can you rephrase? 7 Q Any doctors. When you go see a doctor, 8 they ask you, have you ever had any accidents, 9 injuries or illnesses, and tell me what those are. 10 A I don't remember them asking me, wording 11 it in that phrasing. 12 Q Okay. I'll ask you then. From the time 13 you started to work for Marathon in May of 2008 up 14 until the time of your accident, did you have any 15 accidents, injuries or illnesses for which you 16 received any medical care? 17 A I would have to find and do research on my 18 reports from my doctor to find out. I don't 19 remember as of right now. As I right now, I do not 20 remember. 21 Q And again, that same question was asked of 22 you -- strike that. That same question was asked of 23 you in Interrogatory No. 9 and you identified a 24 pneumonia claim. 25 A Oh, yes.</p>	<p style="text-align: right;">103</p> <p>1 MR. O'BRYAN: No. 2 Q (By Mr. Massey) And do you want to stop 3 the deposition and do this another day? We can do 4 it another day. Or are you fine now answering? Or 5 do you want to listen to your lawyer, whatever he 6 tells you? 7 MR. O'BRYAN: I'm not telling him 8 anything. I'm just saying he's answering the 9 questions to the best of his ability. 10 MR. MASSEY: I understand. But I mean, do 11 you want to have a recess and -- 12 THE WITNESS: I would like to check on my 13 children though. 14 MR. MASSEY: Okay. We'll do that in just 15 a minute. Let me just finish this and we'll do 16 that, all right? Are you okay to continue? 17 THE WITNESS: Yeah, I can continue. 18 Q (By Mr. Massey) All right. Tell me about 19 the pneumonia then. That was -- that was something 20 that you got medical care for after you started with 21 Marathon and before the date of the incident? 22 A Yes, I got pneumonia while I was on the 23 boat. 24 Q And do you remember about when that was? 25 A I don't remember. They should have all</p>
<p style="text-align: right;">102</p> <p>1 Q Okay. So you did think about it and you 2 searched your records and your mind and 3 everything -- 4 A No, I remember it now that you said that. 5 Yes, I remember the pneumonia. But like I stated, I 6 can't remember -- as of right now, I didn't 7 remember. 8 MR. O'BRYAN: You should know that he's 9 under this medication that does have adverse effects 10 on memory. 11 MR. MASSEY: Should we stop the deposition 12 and resume it when he's not in the medication? 13 MR. O'BRYAN: No. But your implication is 14 that he's withholding information. He's probably 15 not -- that it's unintentional is very possible. 16 MR. MASSEY: Well, do you know of 17 something he's withholding, Dennis? 18 MR. O'BRYAN: No, I don't know anything 19 about these questions. No, I don't know. I'm 20 not -- 21 MR. MASSEY: Because if somebody is 22 claiming, one, that he's not able to answer the 23 questions very well because -- then we need to stop 24 the deposition and we can resume it. Are you 25 claiming that or want to claim that?</p>	<p style="text-align: right;">104</p> <p>1 the records for that. 2 Q All right. And that was treated, I guess, 3 and you got better? 4 A Yes. 5 Q Are there any other accidents, injuries, 6 illnesses for which you received medical care other 7 than pneumonia from the time you started with 8 Marathon until the time of the incident? 9 A Honestly, I can't remember. 10 Q You know of nothing else? 11 A As of right now, I can't remember. I 12 don't remember. 13 Q Didn't you have a back injury after you 14 started with Marathon and before the accident that 15 you got medical care for? 16 A No, not that I remember. 17 Q Didn't you get treated by a chiropractor 18 in July of 2008 -- 19 A I do not -- 20 Q -- for a back condition? 21 A I do not remember that. 22 Q As I bring up the question, that date and 23 the chiropractor doesn't ring true with you? 24 A I do not remember. 25 Q Do you know a Dr. Kerri, K-e-r-r-i?</p>

<p style="text-align: right;">105</p> <p>1 A That name doesn't sound familiar. 2 Q Or K-e-r-r, Kerr? 3 A I do not remember that name. 4 (Defendant's Deposition Exhibit 5 1 marked for identification.) 6 (Deposition Exhibit 2 marked for 7 identification.) 8 Q (By Mr. Massey) Here's one for you to look 9 at right here. That's the same one Dennis has. 10 A I don't even know what I'm looking at. 11 Q Here, sit down, and I'll ask you some 12 questions and maybe it will jog your memory. 13 A I need to stand for a little bit. 14 Q All right. I'm showing you what our court 15 reporter has marked as Defendant's Deposition 16 Exhibit 1. Do you see that? 17 A Yeah. 18 Q That appears to be a patient ledger with 19 your name, Ryan A. Ruddell, with your date of birth. 20 It appears to be for a chiropractic manipulation 21 that was done on July 7, 2008, and then earlier an 22 office visit July 2, 2008 with a chiropractic 23 manipulation being done on 07/08 and electrical 24 stimulation therapy being done on July 8 as well. 25 Do you see that?</p>	<p style="text-align: right;">107</p> <p>1 lawyer is saying. I'm asking you, Ryan, do you 2 recognize that address or that location? 3 A No, I don't know. 4 Q I'm also handing you what's been marked as 5 Defendant's Deposition Exhibit 2. That appears to 6 be an X-ray report of an X-ray done at St. Mary's 7 Medical Center on Washington Avenue in Evansville, 8 Indiana. Do you recall having X-rays done on that 9 date of July 2, 2008? 10 A No, I don't. 11 Q All right. You apparently were given a 12 diagnosis, if this record is correct, and we'll take 13 the deposition of the doctors to determine exactly 14 what the diagnosis was. But it appears as if it was 15 somat, s-o-m-a-t, dysfunction, I think that's what 16 it means, d-y-s-f-u-n-c-t-i-o-n, lumbar. That 17 appears to be X-rays of your lumbar spine. And this 18 is me talking as a lawyer. It appears as if they 19 are finding all kinds of degenerative changes in 20 your low back. Does any of that ring a bell as far 21 as what your diagnosis was back in July of 2008? 22 A I don't know. This is years ago. I don't 23 remember any of this. 24 MR. O'BRYAN: I'll object to the term all 25 kinds of degenerative changes.</p>
<p style="text-align: right;">106</p> <p>1 A I don't know. 2 MR. O'BRYAN: A chiropractor is not 3 medical care. That's not a medical doctor. 4 Q (By Mr. Massey) Did you get treated by 5 Dr. Kerr, the chiropractor, on July -- 6 A I do not remember that at all. 7 Q You don't have a memory of that? 8 A No. 9 MR. O'BRYAN: Where's he located? Maybe 10 that will jog the memory. 11 A It says West Side Chiropractic. 12 Q (By Mr. Massey) Can you tell if Exhibit 1 13 is of you, or do you contend it's of someone else? 14 A I do not know. 15 Q Do you know the West Side Chiropractic 16 Center? Have you ever heard of that? 17 A It doesn't ring a bell right now. 18 Q You don't recall ever being there? 19 A I don't recall. This is 2008 you're 20 stating. This is 2016. 21 MR. O'BRYAN: 2732 Mt. Vernon Avenue. 22 Q (By Mr. Massey) Is that in Evansville? 23 MR. O'BRYAN: Yeah, it's on the bottom of 24 the 1918 -- or 1981. 25 Q (By Mr. Massey) Okay. You hear what your</p>	<p style="text-align: right;">108</p> <p>1 THE WITNESS: I don't see anything in here 2 that says degenerative. 3 MR. O'BRYAN: No. 4 Q (By Mr. Massey) I'll tell you, it says 5 that you may be -- you may have secondary 6 Schuermann's disease. Do you know what Schuermann's 7 disease is? 8 A I've never heard of that. 9 MR. MASSEY: Do you, Dennis? I do. It 10 means you have degenerative changes. That's what 11 that means. 12 MR. O'BRYAN: Yeah, but that's T11, 12, 13 and L1. That's his upper back. 14 Q (By Mr. Massey) All my questions about 15 this is to try to get you to see if that refreshes 16 any of your recollection about what was going on 17 back in July of 2008. 18 A I don't remember that far back. 19 Q All right. I can tell you -- I can tell 20 you at this time you were off the boat. So my 21 question is, did something happen to you to cause 22 you to go to a chiropractor to get stimulation and a 23 manipulation on July 2 or July 3 of 2008? 24 A I don't remember this. 25 Q Okay.</p>

<p style="text-align: right;">109</p> <p>1 A I do not remember.</p> <p>2 Q So you don't recall anything happening to</p> <p>3 you?</p> <p>4 A This is 2008 and this is 2016. I do not</p> <p>5 remember.</p> <p>6 Q Okay. And when you say that, are you just</p> <p>7 saying that eight years have gone by and therefore</p> <p>8 you have no memory? Is that what you're saying?</p> <p>9 A I don't remember this at all.</p> <p>10 Q So you don't remember having an accident</p> <p>11 or a fall or getting into a fight or anything --</p> <p>12 A No.</p> <p>13 Q -- that caused you to have a back injury?</p> <p>14 A No.</p> <p>15 Q Are you denying that you, in fact, had</p> <p>16 this treatment back in July of 2008?</p> <p>17 A I do not know. I don't remember this.</p> <p>18 Q Okay. Not remembering is different than</p> <p>19 denying. Do you deny that you had this treatment</p> <p>20 back on July 2 and 3 of 2008?</p> <p>21 A I do not remember this. I do not know.</p> <p>22 Q Okay. So you're not denying?</p> <p>23 A I do not know. I don't remember this.</p> <p>24 Q Okay. Are you admitting that you had the</p> <p>25 treatment back then?</p>	<p style="text-align: right;">111</p> <p>1 question.</p> <p>2 A I'm going to end up -- I can't go on this</p> <p>3 long.</p> <p>4 Q Let me ask one more question and we can</p> <p>5 break and you can take care of your kids. The fact</p> <p>6 that you don't remember this incident that's shown</p> <p>7 by Exhibits 1 and 2, does that mean you never</p> <p>8 disclosed this to any of the other doctors that</p> <p>9 you've seen?</p> <p>10 A I don't remember this. I don't know.</p> <p>11 Q Okay.</p> <p>12 A This is 2008.</p> <p>13 Q I understand that. I'm asking a different</p> <p>14 question.</p> <p>15 A That's my answer to the question. I do</p> <p>16 not know. This is 2008.</p> <p>17 Q Okay. I'm not asking you about 2008.</p> <p>18 You've been seeing Dr. Rupert, you've just seen</p> <p>19 Dr. Streng, you've seen other doctors. Have you</p> <p>20 ever told those doctors about this care in July of</p> <p>21 2008?</p> <p>22 A Of course not. I don't remember this.</p> <p>23 Q All right. You just heard your lawyer</p> <p>24 coughing there, which means something perhaps. Did</p> <p>25 you tell any other doctor about this July 2008</p>
<p style="text-align: right;">110</p> <p>1 A I don't remember this. I do not know.</p> <p>2 Q Do you recall any other medical care,</p> <p>3 treatment from any physician, any chiropractor, any</p> <p>4 faith healer, any voodoo person, any person</p> <p>5 purporting to give medical care, between the time</p> <p>6 you started with Marathon and the time of your</p> <p>7 accident that we're going to talk about here in a</p> <p>8 minute?</p> <p>9 A As of right now, I don't remember it. I</p> <p>10 do not remember.</p> <p>11 Q And you wouldn't remember this even if I</p> <p>12 characterized it as a chiropractor?</p> <p>13 A This is 2008. I don't remember.</p> <p>14 Q All right. You don't remember any Dr.</p> <p>15 Michelle Kerr, K-e-r-r?</p> <p>16 A No, I do not.</p> <p>17 Q And you don't remember having your back</p> <p>18 X-ray'd --</p> <p>19 A No.</p> <p>20 Q -- back then?</p> <p>21 A No, I do not.</p> <p>22 MR. O'BRYAN: You want -- did you want to</p> <p>23 check on your kids?</p> <p>24 THE WITNESS: Yes.</p> <p>25 Q (By Mr. Massey) Let me ask you one further</p>	<p style="text-align: right;">112</p> <p>1 treatment -- he's coughing again. That's a signal.</p> <p>2 What's your answer?</p> <p>3 A I don't remember. I don't remember</p> <p>4 telling him anything. I don't know.</p> <p>5 Q Well, the fact that you don't remember now</p> <p>6 means that you would not have told him about it,</p> <p>7 would you?</p> <p>8 A I don't know. I do not remember.</p> <p>9 Q All right. Do you recall ever telling any</p> <p>10 doctor about this treatment?</p> <p>11 A I don't recall.</p> <p>12 MR. MASSEY: All right. You can go take</p> <p>13 care of your kids. We'll break.</p> <p>14 (Off the record.)</p> <p>15 Q (By Mr. Massey) Marci's last name is</p> <p>16 Armstrong. Is that what you said?</p> <p>17 A Yes.</p> <p>18 Q Did you tell me where she lived? You told</p> <p>19 me she lived in two different spots, with her</p> <p>20 grandma and --</p> <p>21 A She had a place -- I don't know if it's</p> <p>22 still there. I know it's in Evansville. But I know</p> <p>23 she goes to her grandma's a lot and stays there and</p> <p>24 lives there at her grandma's. She has place in</p> <p>25 Newburgh. That's where it was. It's Newburgh.</p>

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1 Q Did you ever have any disciplinary
 2 problems in high school?
 3 A There was one incidence where I stood up
 4 for myself, but that was it.
 5 Q What was that about?
 6 A Let me see, I think I was either a
 7 freshman or sophomore and the dude was a senior,
 8 picking on me, and I stood up.
 9 Q So you fought back?
 10 A I didn't fight. I didn't swing or
 11 anything. But he ended up getting detention or
 12 after school detention, something like that. And
 13 his mom came to the school griping and complaining,
 14 so they ended up giving me detention along with --
 15 that was it.
 16 Q Okay. Anything other than that?
 17 A No.
 18 Q You're able to read and write --
 19 A Yes.
 20 Q -- obviously? Do you read any today?
 21 A As in books or --
 22 Q Anything.
 23 A Not really. Just your normal reading.
 24 Q But you read newspapers?
 25 A Not much newspapers. Maybe online news

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1 and stuff like that.
 2 Q All right. When you read online, if your
 3 computer is broken, how do you read online? On your
 4 phone?
 5 A Yeah.
 6 Q So you read newspapers online?
 7 A Maybe weather, maybe like 14 news, just
 8 whatever is going on, stuff like that.
 9 Q Do you read magazines?
 10 A No.
 11 Q Do you hunt and fish?
 12 A No.
 13 Q Never have?
 14 A No.
 15 Q Do you use your firearm?
 16 A No.
 17 Q You never shoot it?
 18 A I've shot it just testing it here and
 19 there at the range, but it's been a long time now.
 20 Q So you're not a regular shooter?
 21 A No.
 22 Q But you still own the weapon?
 23 A Yes.
 24 Q Is that the only gun you own?
 25 A Yes.

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1 Q Have you ever had any computer training
 2 other than --
 3 A I was in advanced computers in high
 4 school. In college, that was part of the curriculum
 5 was. That's what I was going for.
 6 Q I see. So you were in advanced computers
 7 in high school, and then in your college courses
 8 that you told us about you took some computer
 9 courses as well?
 10 A I was going for computer programming.
 11 Q Do you still think you're capable of doing
 12 that or not?
 13 A As of right now, I don't know. Technology
 14 kind of goes quick. That's one thing you learn.
 15 Q Do you have the brain power, you think, to
 16 do it?
 17 A Anybody can attempt to do anything. I
 18 don't know.
 19 Q But you know yourself better than anybody.
 20 Do you think you have the brain power to continue to
 21 study computer programming if you wanted to?
 22 A I honestly have no idea. I'd have to get
 23 into it and look at it and see what --
 24 Q All right. Has anybody ever told you that
 25 you're below average intelligence or low IQ or slow

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1 or anything?
 2 A No.
 3 Q Nobody's ever told you that?
 4 A No.
 5 Q Do you read any books?
 6 A Just what's online nowadays. That's
 7 pretty much all.
 8 Q Okay. But you don't read Field and
 9 Stream, you don't read Outdoor Life, you don't read
 10 Time, Newsweek, any of the common magazines?
 11 A No.
 12 Q Do you read the local newspaper at
 13 Evansville?
 14 A That's the 14 news, the 25 news, stuff
 15 like that online. I'll get online.
 16 Q So you follow that online daily basically?
 17 A Just whenever. I mean, I may hear
 18 something like the attack that just happened. I'll
 19 look on there and get on there and I'll read about
 20 it.
 21 Q I see. You read to you kids, anything
 22 like that?
 23 A Oh, they read themselves. I have them
 24 read. That's part of their school activities. And
 25 over the summer also they have to read X amount

<p style="text-align: right;">117</p> <p>1 of--</p> <p>2 Q Okay. They both go to school obviously</p> <p>3 except in the summers?</p> <p>4 A Yes.</p> <p>5 Q Do you help them with their homework and</p> <p>6 take care of them?</p> <p>7 A Yes.</p> <p>8 Q And since you're the primary parent, I</p> <p>9 guess, you're bringing them up basically.</p> <p>10 A Yes.</p> <p>11 Q I mean, you're raising your kids.</p> <p>12 A Yes.</p> <p>13 Q We'll talk about this more. But since</p> <p>14 your injury and since you worked temporarily at</p> <p>15 Marathon following your accident, have you worked at</p> <p>16 all since then?</p> <p>17 A No.</p> <p>18 Q Have you applied for any jobs since then?</p> <p>19 A No.</p> <p>20 Q Have you made any attempts to get any work</p> <p>21 at all?</p> <p>22 A No, I can't.</p> <p>23 Q And you added no and then I can't. Why is</p> <p>24 it you say you can't?</p> <p>25 A Because of my injury.</p>	<p style="text-align: right;">119</p> <p>1 A Yes, at the bus.</p> <p>2 Q What time do you pick them up?</p> <p>3 A Picked them up at -- let me see, my</p> <p>4 daughter got out of school around 2:30. So she gets</p> <p>5 to the bus right around 3:00, give or take. It</p> <p>6 depends on the bus driver, how many kids are getting</p> <p>7 dropped off. And my son gets out around 3:30.</p> <p>8 Q Is that a separate trip for your son and</p> <p>9 daughter to pick them up?</p> <p>10 A Yes.</p> <p>11 Q So you have to make two trips to go get --</p> <p>12 because they arrive at different times?</p> <p>13 A Yes.</p> <p>14 Q So if you had a job, you'd have to make</p> <p>15 some kind of arrangement for them to be picked up</p> <p>16 and taken care of while you're at work?</p> <p>17 A Daycare, same as was before.</p> <p>18 Q So when you worked at Marathon before your</p> <p>19 injury, you used daycare?</p> <p>20 A Yes, sir.</p> <p>21 Q Your wife didn't take care of them?</p> <p>22 A No.</p> <p>23 Q Is there a daycare right there in</p> <p>24 Evansville that people use, that you would use?</p> <p>25 A Yeah, the daycare provider I use, I know.</p>
<p style="text-align: right;">118</p> <p>1 Q Okay. But you haven't applied for any</p> <p>2 jobs?</p> <p>3 A No.</p> <p>4 Q You haven't attempted to go to any jobs?</p> <p>5 A No.</p> <p>6 Q If you did get a job and were able to do</p> <p>7 it, what would become of your kids? What would you</p> <p>8 have to do with your kids?</p> <p>9 A Same thing I'm doing now.</p> <p>10 Q Okay. Do you take your kids to work, for</p> <p>11 example?</p> <p>12 A No. I can't take them on the boat.</p> <p>13 Q I'm sorry. Do you take your kids to</p> <p>14 school?</p> <p>15 A Yes.</p> <p>16 Q And do you go get your kids from school?</p> <p>17 A Yes.</p> <p>18 Q So what time do you take them to school?</p> <p>19 A One has to be there -- this was last year.</p> <p>20 I don't know if it's going to change this year or</p> <p>21 not. Last year one had to be there at 7:15. That's</p> <p>22 when the doors opened. The other was dropped off</p> <p>23 for the bus at 7:30 roughly, give or take 15 minutes</p> <p>24 depending on the bus driver.</p> <p>25 Q And do you go pick the kids up?</p>	<p style="text-align: right;">120</p> <p>1 Q Okay.</p> <p>2 A The bus goes right there to them.</p> <p>3 Q You started working at Marathon when, sir?</p> <p>4 A Like I said in a previous answer, I</p> <p>5 believe it's 2008. I'm not sure. I'd have to get</p> <p>6 the paperwork.</p> <p>7 Q I think the date was something like</p> <p>8 May 12, 2008.</p> <p>9 A I knew it was in May, but I couldn't</p> <p>10 remember the year.</p> <p>11 Q And I'm going to show you a document here.</p> <p>12 You've shown me your driver's license and you've</p> <p>13 shown me your concealed carry permit and you showed</p> <p>14 me your license for professional detective license.</p> <p>15 Do you have any other licenses?</p> <p>16 A I mean, I was licensed for alcohol,</p> <p>17 serving alcohol and stuff like a bartender type of</p> <p>18 thing. But I don't have that license.</p> <p>19 Q All right. You don't have it presently?</p> <p>20 A No. I mean, I got a tankerman's license.</p> <p>21 Q Is that still in force and effect?</p> <p>22 A I'm not a hundred percent sure. I'd have</p> <p>23 to look at it. It's at home. I believe it's still</p> <p>24 good.</p> <p>25 Q But at one time you had a tankerman's</p>

<p style="text-align: right;">121</p> <p>1 license?</p> <p>2 A Yes. That was a requirement for Marathon.</p> <p>3 Q Any other licenses?</p> <p>4 A Just a TWIC card. I don't know if you'd</p> <p>5 considered that a license, Transportation Workers</p> <p>6 Identification.</p> <p>7 Q Is that still in force and effect?</p> <p>8 A I believe it's still good. This may be</p> <p>9 the last year. I'm not sure. I think it's a</p> <p>10 five-year term for the TWIC card.</p> <p>11 Q Okay. Any other licenses that you've had?</p> <p>12 A I'm not sure of any that's valid or</p> <p>13 anything that's good right now.</p> <p>14 Q Did you go through bankruptcy at some</p> <p>15 point?</p> <p>16 A Yes.</p> <p>17 Q When did you do that?</p> <p>18 A I'd have to look. It's almost ten years.</p> <p>19 It's almost, I think.</p> <p>20 Q Okay. I think it was in --</p> <p>21 A I'd have to look on -- I know I can Google</p> <p>22 it and find it, but I'd have to look at the year</p> <p>23 online.</p> <p>24 Q Was that before you went to work for</p> <p>25 Marathon?</p>	<p style="text-align: right;">123</p> <p>1 A No.</p> <p>2 Q Have you ever had any car wrecks in your</p> <p>3 life?</p> <p>4 A Oh, yes.</p> <p>5 Q Oh, yes. So you've had several?</p> <p>6 A Well, everybody's had at least one.</p> <p>7 Q When did you have car wrecks?</p> <p>8 A I couldn't tell you. I know I was at</p> <p>9 least 16, of course, driving. I mean, everybody's</p> <p>10 had.</p> <p>11 Q Was it when you were a teenager?</p> <p>12 A Yes.</p> <p>13 Q All your wrecks were when you were a</p> <p>14 teenager?</p> <p>15 A Yes, roughly.</p> <p>16 Q And you had one or two?</p> <p>17 A Possibly. I can't remember.</p> <p>18 Q Did you ever have any injuries as a result</p> <p>19 of car wrecks?</p> <p>20 A Just your basic whiplash or stuff like</p> <p>21 that in the neck kind of.</p> <p>22 Q Did you ever have any -- strike that. Did</p> <p>23 you ever have any car wrecks where you had a</p> <p>24 whiplash that you got any medical care for?</p> <p>25 A I know I went to a doctor for my neck</p>
<p style="text-align: right;">122</p> <p>1 A I believe so. I'm not one hundred percent</p> <p>2 sure.</p> <p>3 Q Were you married at the time?</p> <p>4 A I remember I filed jointly with my ex.</p> <p>5 I'm not sure if we were married. I think we were.</p> <p>6 Q Where was that filed?</p> <p>7 A State of Indiana, Evansville.</p> <p>8 Q So were you discharged in bankruptcy as a</p> <p>9 straight bankruptcy?</p> <p>10 A Yeah. I forget what chapter it was.</p> <p>11 Q Chapter 7 or Chapter 11?</p> <p>12 A I'm not sure.</p> <p>13 Q It was a straight bankruptcy?</p> <p>14 A Whatever it was, it just took everything</p> <p>15 off. I didn't owe anybody anything.</p> <p>16 Q I see. And then is it your understanding</p> <p>17 that you couldn't go bankrupt after that for seven</p> <p>18 years, or did you have an understanding?</p> <p>19 A I didn't know. I didn't have any type of</p> <p>20 understanding. I've kind of researched it</p> <p>21 credit-wise. I think it drops off after ten, I'm</p> <p>22 not sure, seven or ten. I don't know.</p> <p>23 Q Aside from the Indiana National Guard,</p> <p>24 you've not otherwise been in the military service,</p> <p>25 have you?</p>	<p style="text-align: right;">124</p> <p>1 because it was stiff from the muscles. I can't</p> <p>2 remember anything other than that.</p> <p>3 Q When did you go to a doctor for stiff</p> <p>4 muscles in your neck?</p> <p>5 A It was years ago, I mean, when I was</p> <p>6 driving for the whiplash thing or the accident. I'm</p> <p>7 not sure exactly the year or date.</p> <p>8 Q So was it --</p> <p>9 A You're talking 16, and I'm 34.</p> <p>10 Q So the wreck you're talking about is when</p> <p>11 you were 16 years old?</p> <p>12 A Yeah, 16, 17, 18, 20. I mean, I'm not</p> <p>13 sure of the date or the year.</p> <p>14 Q So sometime within that period you had a</p> <p>15 car crash?</p> <p>16 A Yes.</p> <p>17 Q And sometime during that period, as a</p> <p>18 result of the car crash, you had a neck injury?</p> <p>19 A More like a muscle thing.</p> <p>20 Q Okay. A muscle thing in your neck?</p> <p>21 A Yes.</p> <p>22 Q In your low back or in your neck?</p> <p>23 A Neck.</p> <p>24 Q And you sought treatment for that neck --</p> <p>25 A They didn't really do much, but yeah.</p>

<p style="text-align: right;">125</p> <p>1 Q -- pain? Was it a chiropractor you went 2 to or medical doctor? 3 A I don't remember. 4 Q Where did you get medical treatment? 5 A I honestly don't remember. 6 Q What kind of treatment did you get? 7 A I don't remember. I just remember going 8 to the doctor and they gave me, I think, some 9 medicine. I'm not sure. 10 Q How long did you have symptoms from that? 11 A I don't remember. 12 Q Did you take medication? 13 A I think I did. I'm not sure. I don't 14 remember. 15 Q Do you remember which hospital you went 16 to? 17 A No. 18 Q Don't remember the doctor's name? 19 A No. 20 Q Do you remember where it happened? 21 A No, I don't remember. 22 Q Did it happen in Evansville or do you 23 remember? 24 A I believe Evansville. I'm not sure. 25 Q Were you driving?</p>	<p style="text-align: right;">127</p> <p>1 I need to know the date. I'm trying to think of 2 what -- it sounds familiar. I can't remember. I 3 can't put it together. 4 Q It looks like to me it happened in 2012. 5 So that would have been a couple years before your 6 incident. And it would have been four years after 7 you started working for Marathon. 8 A I know I had to come home because my 9 grandpa died, but I don't think it was 2012. I'm 10 not sure. 11 Q So you have no memory of a medical leave 12 time that you took off from Marathon? 13 A I don't know if they considered it medical 14 leave, how Marathon put it. I know I had to take 15 off for, like I stated before, my grandpa -- 16 Q You would have had to request it in order 17 to get family medical leave. You'd have had to go 18 to Marathon and ask them. 19 A Actually, I had to go to my captain, told 20 him my grandpa died, I needed to get to the funeral. 21 Q So you remember that time? 22 A Yes, but I don't remember the year or when 23 exactly it was. I'd have to look on the obituaries 24 and find it. 25 Q Do you remember how long you took off for</p>
<p style="text-align: right;">126</p> <p>1 A Yes. 2 Q Was it your car? 3 A Yes. 4 Q Which car was it? 5 A I think it was my S10, an old Chevy. 6 Q What's an S10? 7 A Chevy S10 pickup truck. 8 Q Were you ticketed as a result of the 9 accident? 10 A No. 11 Q Was it a one-car or two-car accident? 12 A I believe it was a one-car. I'm not sure. 13 Q So you run off the road and hit something? 14 A No, they hit me. It was their fault. 15 Q Okay, so it was a two-car crash, you and 16 somebody else? 17 A Yeah. 18 Q I see. Any other car crashes besides that 19 one? 20 A Not right now off the top of my head. I 21 can't remember. 22 Q At some point after you started working 23 for Marathon, did you take off for family leave, 24 family medical leave? 25 A It sounds familiar. I'm trying to think.</p>	<p style="text-align: right;">128</p> <p>1 medical leave when your grandfather died? 2 A It was whatever Marathon gave me. I'm not 3 sure what their -- 4 Q You recall any other time when you were 5 offered family medical leave? 6 A I don't remember as of right now. I don't 7 remember. 8 Q When you started with Marathon, you filled 9 out employment applications? 10 A I'm guessing. I don't remember. I 11 remember I applied with them. I forget which way I 12 did it, either online or paper and mailed it in. 13 I'm not sure. And my interview was over the phone 14 and hiring over the phone. 15 Q Okay. Did you fill out some papers after 16 they talked to you over the phone? 17 A After they hired me, they said I had the 18 job, we had to come in and watch a bunch of videos 19 and fill out some stuff, safety videos and 20 everything. It was a bunch of paperwork and doing 21 online training. 22 Q Who did you talk to on the phone to get 23 your job? 24 A I do not remember. 25 Q How long was it -- strike that. How did</p>

<p style="text-align: right;">129</p> <p>1 you come to apply for the job?</p> <p>2 A They needed help, so I applied.</p> <p>3 Q But how did you come to learn that? Did</p> <p>4 you see an advertisement, did somebody call you, did</p> <p>5 you see it online, did you see it on television, did</p> <p>6 you see it in the newspaper? How did you know that?</p> <p>7 A The captain, Mark Sigler, he told me they</p> <p>8 were in need of people badly. He told me to apply.</p> <p>9 Q And Mark Sigler would be considered your</p> <p>10 stepfather?</p> <p>11 A At that time, no.</p> <p>12 Q Okay. He was just dating your mom at the</p> <p>13 time?</p> <p>14 A Yes.</p> <p>15 Q So Mark Sigler said something about they</p> <p>16 may have available openings --</p> <p>17 A No, they needed people badly, and he told</p> <p>18 me that if I wanted the job to apply and see if you</p> <p>19 can get it.</p> <p>20 Q So what did you do?</p> <p>21 A I applied.</p> <p>22 Q And how did you do that?</p> <p>23 A I don't remember if it was online or</p> <p>24 paperwork. I'm not sure.</p> <p>25 Q Okay. But somehow you made connection</p>	<p style="text-align: right;">131</p> <p>1 and drove to Catlettsburg?</p> <p>2 A Correct.</p> <p>3 Q How long of a drive is it from</p> <p>4 Catlettsburg to Evansville?</p> <p>5 A Six hours straight through. I want to say</p> <p>6 320 something miles.</p> <p>7 Q Okay.</p> <p>8 A Maybe 330 or more.</p> <p>9 Q So you went to Marathon's office in</p> <p>10 Catlettsburg and stayed there?</p> <p>11 A Yes.</p> <p>12 Q For how long?</p> <p>13 A That I don't remember. They got us a room</p> <p>14 and we had our -- I don't know how you would word</p> <p>15 it. The meetings in the very beginning or --</p> <p>16 Q Do you remember where you stayed when you</p> <p>17 went to Catlettsburg?</p> <p>18 A 90 percent of the time they had us stay at</p> <p>19 a hotel down the road. It was right off of 64. I</p> <p>20 don't remember the hotel's name.</p> <p>21 Q Was it in Ashland, Kentucky or was it in</p> <p>22 Catlettsburg, or do you remember?</p> <p>23 A I don't know their borders. I don't know</p> <p>24 exactly where it begins or ends. It kind of all</p> <p>25 merges together.</p>
<p style="text-align: right;">130</p> <p>1 with the company.</p> <p>2 A Yes.</p> <p>3 Q And so you had an interview over the</p> <p>4 phone?</p> <p>5 A Yes.</p> <p>6 Q You talked to someone.</p> <p>7 A Yes.</p> <p>8 Q You don't remember their name?</p> <p>9 A No.</p> <p>10 Q And then what happened after you had the</p> <p>11 phone call? Did you have to come in or go someplace</p> <p>12 or do something?</p> <p>13 A There was a little bit of time in-between</p> <p>14 and they had me come in with everybody else they</p> <p>15 hired, watch videos, fill out your W-4 form, or W-2,</p> <p>16 whatever the forms are.</p> <p>17 Q Where did you go to do that, what</p> <p>18 location?</p> <p>19 A Catlettsburg, Kentucky.</p> <p>20 Q So you had to drive from Evansville to</p> <p>21 Catlettsburg?</p> <p>22 A Yes. They got me a rental car.</p> <p>23 Q So they rented you a car in Evansville?</p> <p>24 A Yes.</p> <p>25 Q So you went to the place, picked it up,</p>	<p style="text-align: right;">132</p> <p>1 Q How did you stay there before you actually</p> <p>2 boarded a vessel for a trip?</p> <p>3 A I'm not one hundred percent sure. I want</p> <p>4 to say a week, but I don't know.</p> <p>5 (Defendant's Deposition Exhibit</p> <p>6 3 marked for identification.)</p> <p>7 Q (By Mr. Massey) Let me show you what's</p> <p>8 been marked as Defendant's Exhibit 3, which is a</p> <p>9 summary report of the training that you received</p> <p>10 when you were working at Marathon. Can you identify</p> <p>11 that as being what I just said?</p> <p>12 A It looks like it.</p> <p>13 Q And flip to the -- flip to the -- the way</p> <p>14 it's organized, flip to the last page. Do you see</p> <p>15 that?</p> <p>16 A What about it?</p> <p>17 Q Do you see that, Ryan?</p> <p>18 A See what about it?</p> <p>19 Q The last page.</p> <p>20 A Yes.</p> <p>21 Q All right. And if you look at it, it's</p> <p>22 page number 9 up at the top right-hand corner.</p> <p>23 A Okay.</p> <p>24 Q Is that right?</p> <p>25 A Yes.</p>

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1 Q And it looks like the training began on
2 May 12, 2008. You see those dates?
3 A Yeah.
4 Q And then there's some on 05/12, there's
5 some on 05/13. If you flip to the next page,
6 page 8, it's 05/13, goes to 05/15, goes to 05/16.
7 Then there's a gap to 05/22. Do you see that?
8 A Yes, 05/16, 05/22.
9 Q First of all, this exhibit that you have
10 in front of you, Exhibit 3, that appears to be the
11 training summary report of all the training that you
12 did when you were at Marathon. Is that true?
13 A It looks like it. I can't say it is or I
14 can't say it ain't. I don't know. This is
15 easily -- it could be easily made up.
16 Q Okay. Let me ask you this then. When you
17 were at Marathon, from the time you started until
18 the time you ended, did you keep any records
19 yourself, written records?
20 A No.
21 Q So -- strike that. Did you keep any sort
22 of records that weren't written from the time you
23 started with Marathon until your time ended?
24 A No. I asked them if I could end up
25 printing off things or keeping things on a disc.

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1 And I was told exactly by the captain and by
2 Marathon, the company, the port captains and
3 everything in there, that the computers are set up
4 so that legally we could not take anything home
5 because it's confidential, I don't know, legal
6 confidentiality or something. The computers are set
7 up so if you do a flash drive, try to save things,
8 you can't do it. It only works with that one
9 computer. Somehow the programmers have it set up
10 that you can't do anything.
11 Q Okay. So in answer to my question, you
12 don't have anything written that you prepared or you
13 made while you were working at Marathon --
14 A No.
15 Q -- that would indicate your activities
16 when you worked at Marathon?
17 A No.
18 Q Even when you worked on the boat, you
19 never kept any written records of any sort?
20 A The only written record now I can think of
21 is tankerman's logs. We have to write down what
22 barges we have tanked. That's it.
23 Q Did you keep such records?
24 A Yes.
25 Q Do you still have those records?

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1 A I don't know. I'd have to look for them
2 and see. That's two years ago. I don't know where
3 they'd be at.
4 Q You haven't looked for them since you
5 filed the lawsuit?
6 A No. Why would I?
7 Q Because I asked for them.
8 A I don't know -- I haven't seen them.
9 Q You didn't look for them?
10 A I haven't seen them. I looked around for
11 some things, but I didn't see that. I don't know
12 where it could be at.
13 Q Did you, in fact, look? Because I asked
14 you to produce any of those documents and I don't
15 have anything. So my question is, did you even look
16 like you were supposed to?
17 A Yes, I looked around.
18 Q Okay. You didn't find anything?
19 A No.
20 Q All right. So to this date, you don't
21 know of any written records that you have that
22 reflect any of your activities when you were working
23 at Marathon. Is that true?
24 A As of right now, I don't remember any.
25 Q Okay. And you've looked around and you

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1 haven't discovered any?
2 A Exactly. I don't know. They are there.
3 They are somewhere. But I don't know where they are
4 at or if they got left on the boat.
5 Q Okay. But you've looked and --
6 A It's a tankerman's log and that's it.
7 It's just a log.
8 Q Okay. And you've looked and you haven't
9 found any?
10 A No, I haven't found any.
11 Q Do you think your wife stole those?
12 A I don't know.
13 Q But you haven't found any?
14 A No, I haven't.
15 Q Is the tankerman log the only thing that
16 you would have ever kept while you were working for
17 Marathon that reflected your activities when working
18 with Marathon?
19 A I have no idea.
20 Q All right.
21 A I don't know. I don't know what logs the
22 captains have or what they put down.
23 Q Listen to my question, Ryan. Did you keep
24 any records of any of your activities while you were
25 working with Marathon?

<p style="text-align: right;">137</p> <p>1 A No.</p> <p>2 Q That was my question. Not what the</p> <p>3 captain did, all right? You with me on that?</p> <p>4 A I heard you.</p> <p>5 Q All right. If you did keep a tankerman</p> <p>6 log, would it only have tankerman activities?</p> <p>7 A Yes.</p> <p>8 Q Would it only have tankerman activities if</p> <p>9 you were acting as a tankerman on that day?</p> <p>10 A Yes.</p> <p>11 Q On the day of your incident that we're</p> <p>12 going to talk about here in a minute, you were a</p> <p>13 deckhand?</p> <p>14 A Yes.</p> <p>15 Q You weren't a tankerman?</p> <p>16 A Technically I'm both.</p> <p>17 Q Okay. Let me ask you then, did you put</p> <p>18 down in any tankerman log anything about your</p> <p>19 incident?</p> <p>20 A No, because we didn't -- we couldn't load</p> <p>21 because of the lightning.</p> <p>22 Q Okay. I'll re-ask the question. On the</p> <p>23 day of your incident, did you put anything down</p> <p>24 about your incident or any of your activities in the</p> <p>25 tankerman log?</p>	<p style="text-align: right;">139</p> <p>1 Q All right. Look at the --</p> <p>2 A There's nothing in here signed, dated,</p> <p>3 notarized showing.</p> <p>4 Q Incidentally, any time they wanted you to</p> <p>5 sign something, Marathon wanted you to sign</p> <p>6 something like your evaluations, your performance</p> <p>7 evaluations, and they asked you to sign, did you</p> <p>8 ever sign those or did you refuse?</p> <p>9 A I remember I have my performance</p> <p>10 evaluations.</p> <p>11 Q Why did you refuse on a number of</p> <p>12 occasions to sign the evaluations?</p> <p>13 A I don't remember ever refusing.</p> <p>14 Q What if the evidence is going to show in</p> <p>15 this case that you did? My question is, why would</p> <p>16 you refuse?</p> <p>17 A I don't remember. I don't remember the</p> <p>18 circumstances. I don't know.</p> <p>19 Q Look at the training that's shown on</p> <p>20 Exhibit 3 as occurring on May 12, May 13, May 15</p> <p>21 through May 16. Did you do all of that training</p> <p>22 before you actually got on the boat?</p> <p>23 A What page are you on now?</p> <p>24 Q Page 9 and partial part of page 8.</p> <p>25 A I couldn't tell you. That's two years</p>
<p style="text-align: right;">138</p> <p>1 A No.</p> <p>2 Q How do you know that?</p> <p>3 A Because you only put down what you've</p> <p>4 done. You put down the date, the barge number, hook</p> <p>5 up time, disconnect time, etcetera.</p> <p>6 Q All right. And since you weren't doing</p> <p>7 that on the day of your incident, you wouldn't have</p> <p>8 put anything down about your incident?</p> <p>9 A No.</p> <p>10 Q All right. So back to my question about</p> <p>11 the training summary report. You didn't keep any</p> <p>12 written records or any records of every time you did</p> <p>13 some training?</p> <p>14 A No.</p> <p>15 Q So do you have any quarrel with Exhibit 3</p> <p>16 as being a complete record of all the times that you</p> <p>17 did any training as far as videos and material that</p> <p>18 they had on the computer?</p> <p>19 A The only thing I can say is I can get in</p> <p>20 the computer and make this up easy right now.</p> <p>21 Q Okay. Do you think they did that?</p> <p>22 A I don't know.</p> <p>23 Q You aren't able to say one way or the</p> <p>24 other?</p> <p>25 A I have no idea.</p>	<p style="text-align: right;">140</p> <p>1 ago.</p> <p>2 Q Do you have quarrel with this record that</p> <p>3 shows that you did that training?</p> <p>4 A I've already stated that before in my</p> <p>5 previous --</p> <p>6 Q What's your answer?</p> <p>7 A I stated that before in my previous</p> <p>8 answer. This is easily made up. I can make this up</p> <p>9 right now you if you wanted.</p> <p>10 Q I appreciate that. My question is, is</p> <p>11 this reflective of the training that you did on</p> <p>12 those dates?</p> <p>13 A I couldn't tell you.</p> <p>14 Q You just don't remember?</p> <p>15 A I don't know.</p> <p>16 Q Do you remember?</p> <p>17 A No, I do not.</p> <p>18 Q Can you tell me the names of any of the</p> <p>19 training videos and information that you received on</p> <p>20 those days that you were there before you got on the</p> <p>21 boat?</p> <p>22 A I do not know. That's two years ago.</p> <p>23 Q But you don't have a memory?</p> <p>24 A I don't remember this.</p> <p>25 Q Do you remember the type of training that</p>

<p style="text-align: right;">141</p> <p>1 you got before you got on the boat, how it was 2 delivered to you, whether it was by computer, 3 whether it was by CDs, whether it was watching it on 4 a screen? Do you remember how it was delivered to 5 you? 6 A There was some training on CDs, some 7 training on computers, some training on land. 8 Q On land? 9 A Yes. 10 Q You mean just one-on-one person? 11 A It was like fire watch, firefighting, and 12 HAZWOPER training. 13 Q Okay. Do you remember, for example, 14 getting trained on slips, trips and falls on 05/13, 15 which is page 8, the third one from the bottom? 16 A I don't remember this. 17 Q It says it was .25 of an hour time spent. 18 And it says at WBT. Do you know what WBT stands 19 for? 20 A No, I do not. 21 Q You don't think that's web-based training? 22 A Sounds like it. I don't know. 23 Q Did you do some things on the web? 24 A Marathon don't -- well, they do have the 25 internet web. But it is the intra-web.</p>	<p style="text-align: right;">143</p> <p>1 or two to get us familiarized. I'm not sure exactly 2 how long. Then some people went out on barges -- or 3 on tugboats, I believe it would be called, the 4 little bitty boats, harbor boats. 5 Q Harbor boats? 6 A Yes. 7 Q Okay. 8 A Some people went out on them. But the 9 people like me that lived that far away went out on 10 actual line haul boats. And the very first week I 11 was out on a line haul boat, since I've never been 12 on a barge or worked on it, they told me to stand 13 back and watch, do not touch anything. 14 Q You mean after you even started your first 15 trip? 16 A Yeah. That was part of my first trip. 17 Q So let me back up and make sure I 18 understand. You were doing your training on the 19 land before you took a trip for a week or two. 20 A Yes. 21 Q And during that time period, the training 22 you received, some of it was on computers? 23 A Yes. 24 Q And you didn't write down the exactly the 25 training you got?</p>
<p style="text-align: right;">142</p> <p>1 Q Go ahead. 2 A That is computer training, if you want to 3 consider that. But they do some things -- Marathon 4 has their own intranet they call it. It's their own 5 internal internet. So if you want to say web, I 6 mean, I can -- I don't know. I don't remember any 7 of this, like I stated before. 8 Q Okay. Well, describe to me the training 9 that you had that you remember that went on when you 10 were there in Catlettsburg staying in a hotel before 11 you boarded the vessel. Tell me all the training 12 that you remember. 13 A The very beginning, we came in, had a 14 meeting. A handful of people were around. They 15 talked to us, we signed some W-2s or W-4s or 16 whatever for the state for tax reasons. We watched 17 some videos. I couldn't tell you exactly what. We 18 sat on a computer, did some training on the 19 computer. And they had us go out on a barge to get 20 us familiarized with it, see what it looks like. 21 These are days that it's going on, not all on one 22 day. This is all split up. 23 Q I asked you to describe the training you 24 got and that's what you're doing. Go ahead. 25 A And then that lasted probably about a week</p>	<p style="text-align: right;">144</p> <p>1 A No. 2 Q And you don't remember every single item 3 of every training you got? 4 A No. 5 Q But I've shown you Exhibit 3, which 6 purports to list all the stuff you did. 7 A Okay. 8 Q All right. You've not -- have you seen 9 that document before? 10 A No. 11 Q When you did the training on the computer, 12 did you have to sign in? 13 A Yes, we have PIC codes and -- when you're 14 on the boat you have PIC codes and passwords. 15 Q All right. 16 A I believe. And I think there may be one 17 other password. There's so many passwords, 18 different passwords they have, I can't remember. 19 Q I understand. Let's first of all just 20 deal with the time before you got on your first 21 trip, okay? You with me so far? 22 A Yes. 23 Q During that week or two, you did training 24 on the computer? 25 A Video and computer.</p>

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<p>1 Q Okay. When you did the video and the</p> <p>2 computer, you had to sign in and use a password of</p> <p>3 some sort?</p> <p>4 A Yeah, whatever they provided me with.</p> <p>5 Q And then some of the videos would last 15</p> <p>6 minutes and go into something else?</p> <p>7 A It's TV. Sometimes we'd sit around and</p> <p>8 just watch it.</p> <p>9 Q Okay.</p> <p>10 A Sometimes we'd get on there and actually</p> <p>11 just click next and read.</p> <p>12 Q So sometimes it was a Power Point deal</p> <p>13 where you just looked at a slide and the video and</p> <p>14 then you moved to the next one?</p> <p>15 A Pretty much, yeah.</p> <p>16 Q That was recording the amount of time and</p> <p>17 what you were doing at the time you were doing it?</p> <p>18 A I don't know.</p> <p>19 Q Okay. Besides that method of looking at</p> <p>20 it on a computer, then they also did some hands-on</p> <p>21 training as well?</p> <p>22 A No, nothing on land hands-on. They threw</p> <p>23 us right out on the boats. I can only speak to two</p> <p>24 years ago last time I was up there. They had a pad</p> <p>25 for training people. They didn't do nothing like</p>	<p>1 A I do not remember this at all. This looks</p> <p>2 new. I don't remember seeing anything like this.</p> <p>3 Q You're looking at Exhibit --</p> <p>4 A 4.</p> <p>5 Q 4. Look on page 8 of the summary. On</p> <p>6 05/13/08, that's on page 8, you see that back safety</p> <p>7 awareness?</p> <p>8 A 05/13/08, back safety awareness, yes.</p> <p>9 Q What was that training about?</p> <p>10 A I would have to make an educated guess of</p> <p>11 back safety awareness because that's what's stated.</p> <p>12 Q But what do you remember about what that</p> <p>13 training was about?</p> <p>14 A I don't remember it.</p> <p>15 Q Okay. You have no memory of it at all?</p> <p>16 A I don't remember this.</p> <p>17 Q Could that have been Exhibit 4, or do you</p> <p>18 know?</p> <p>19 A I do not know. There's nothing on here</p> <p>20 stating when this or how old this is or when -- this</p> <p>21 could be brand new printed off and just saying this</p> <p>22 is what the new thing is.</p> <p>23 Q Look at all the training shown on 05/12 on</p> <p>24 page 9. Can you give me a description of any of</p> <p>25 that training that was purportedly done on those</p>
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<p>1 that with us. There was no hands-on. The hands-on</p> <p>2 was actually on the line haul boat. But that was</p> <p>3 only a week after being on the line haul boat and</p> <p>4 that was just cranking a winch.</p> <p>5 Q I'm just talking about you and I'm just</p> <p>6 talking about the time when you did your training.</p> <p>7 (Defendant's Deposition Exhibit</p> <p>8 4 marked for identification.)</p> <p>9 (Defendant's Deposition Exhibit</p> <p>10 5 marked for identification.)</p> <p>11 (Defendant's Deposition Exhibit</p> <p>12 6 marked for identification.)</p> <p>13 Q (By Mr. Massey) I'm showing you what our</p> <p>14 court reporter has marked as Defendant's Exhibits 4,</p> <p>15 5 and 6. Can you identify and tell me what those</p> <p>16 are?</p> <p>17 A This is a picture. I don't know exactly</p> <p>18 what. It looks like a doctor.</p> <p>19 Q Flip through it and see if you can tell</p> <p>20 what it is.</p> <p>21 A Looks like information on lifting safely.</p> <p>22 That's what it keeps saying, lifting safely.</p> <p>23 Q Was Exhibit 4, was that one of the safety</p> <p>24 videos that you did in the week or so before you</p> <p>25 boarded the vessel?</p>	<p>1 days?</p> <p>2 MR. O'BRYAN: What year is this?</p> <p>3 THE WITNESS: 2008.</p> <p>4 MR. MASSEY: 2008.</p> <p>5 Q (By Mr. Massey) Go ahead, sir.</p> <p>6 A I don't know. I don't remember. You're</p> <p>7 talking 2008 again.</p> <p>8 Q Okay. For example, on the marine winches</p> <p>9 on 05/13 on that same page 9, do you remember what</p> <p>10 the winch training was about?</p> <p>11 A No, I do not. They changed -- they</p> <p>12 changed them up so often.</p> <p>13 Q I understand. I'm asking what you</p> <p>14 remember --</p> <p>15 A I don't remember.</p> <p>16 Q -- about the training that you got on</p> <p>17 05/13/08. And you don't have a memory of that?</p> <p>18 A No.</p> <p>19 Q And likewise, on the next page, on page 8,</p> <p>20 do you remember for any of the training done on any</p> <p>21 of those days, from 05/13 even up to the top of the</p> <p>22 page, 11/29/08, do you remember the details of any</p> <p>23 of that training that you did?</p> <p>24 A This is 2008. I don't remember any of it.</p> <p>25 Q When did you learn lifting, safe lifting</p>

<p style="text-align: right;">149</p> <p>1 practices? When did you learn that?</p> <p>2 A I don't remember. I couldn't tell you the</p> <p>3 date. I don't know.</p> <p>4 Q Okay. What -- describe for me what safe</p> <p>5 lifting practices are the way you learned them at</p> <p>6 Marathon.</p> <p>7 A The way I learned them?</p> <p>8 Q Yes.</p> <p>9 A For one, I can't tell you if it's a video</p> <p>10 or if we did it on the computer. I don't know. I</p> <p>11 can't remember how they had it done. There's so</p> <p>12 many things you have to do, I don't know. And on</p> <p>13 top of working on barges, everything kind of blends</p> <p>14 together. You have sleep deprivation, everything</p> <p>15 going on.</p> <p>16 Q I understand. I'll ask you about that.</p> <p>17 My question was about safe lifting practices. How</p> <p>18 did you learn how to safely lift from the training</p> <p>19 that you got?</p> <p>20 A I don't remember how they put it down. I</p> <p>21 don't remember.</p> <p>22 Q Okay. What are safe lifting practices?</p> <p>23 Describe for me what that is, what that means.</p> <p>24 A You lift safely, exactly what it's talking</p> <p>25 about.</p>	<p style="text-align: right;">151</p> <p>1 Q What could happen?</p> <p>2 A Pulled muscles, strained muscles, hurt. I</p> <p>3 mean --</p> <p>4 Q In your back?</p> <p>5 A Well, your lower back, upper back, legs.</p> <p>6 I mean, there's many things.</p> <p>7 Q Were you taught that from the very</p> <p>8 beginning there when you started work for Marathon</p> <p>9 in May of 2008?</p> <p>10 A I don't remember.</p> <p>11 Q Do you think you were?</p> <p>12 A I don't know. I don't remember.</p> <p>13 Q When did you first have a memory of</p> <p>14 learning how to properly lift?</p> <p>15 A I couldn't give you an exact date.</p> <p>16 Q Give me an approximate date.</p> <p>17 A I don't know. I can't give you --</p> <p>18 Q Was it pretty soon after you started</p> <p>19 working there?</p> <p>20 A I don't remember. I couldn't give you --</p> <p>21 I can't speculate on that.</p> <p>22 Q Well, let me ask you this. Was there a</p> <p>23 time after you got on the boat where you didn't lift</p> <p>24 properly, that you didn't bend your knees and lift</p> <p>25 properly? Was there a time when you didn't do it</p>
<p style="text-align: right;">150</p> <p>1 Q Okay. And how do you lift safely?</p> <p>2 A It depends on what you're lifting. I</p> <p>3 mean, what are you --</p> <p>4 Q Anything that you're lifting, how is the</p> <p>5 proper way to lift?</p> <p>6 A Bend with your legs, you lift.</p> <p>7 Q What does that mean, to bend with your</p> <p>8 legs when you lift? What does that mean?</p> <p>9 A You lift with your legs, you bend with</p> <p>10 your legs.</p> <p>11 Q In other words, you don't -- you bend your</p> <p>12 knees?</p> <p>13 A Yes.</p> <p>14 Q And not lift with your back bent at the</p> <p>15 waist?</p> <p>16 A Correct.</p> <p>17 Q Okay. Why is that? Why do you -- why are</p> <p>18 you taught to bend with your knees bent and not bend</p> <p>19 from your waist? Why are you taught to lift that</p> <p>20 way?</p> <p>21 A So you don't end up hurting yourself.</p> <p>22 Q And what -- how do you hurt yourself if</p> <p>23 you bend at your waist instead of bending your</p> <p>24 knees?</p> <p>25 A Anything could happen.</p>	<p style="text-align: right;">152</p> <p>1 properly?</p> <p>2 A When they had us stretching up in -- when</p> <p>3 they started the new stretching programs.</p> <p>4 Q Okay. So you mean before that you didn't</p> <p>5 lift properly?</p> <p>6 A Well, I've lifted properly, yes. I've</p> <p>7 done everything --</p> <p>8 Q I asked you --</p> <p>9 A What do you mean? I mean, improper</p> <p>10 lifting, that has to do with stretching up on top,</p> <p>11 bending at the waist, bending down and touching your</p> <p>12 toes.</p> <p>13 Q Listen to my question. Did you lift</p> <p>14 improperly at some point while you were aboard the</p> <p>15 boat before you were properly taught to bend your</p> <p>16 knees and not bend from the waist, or did you lift</p> <p>17 properly from the get go? That's my question.</p> <p>18 A I don't remember. I'm kind of confused</p> <p>19 about your -- the whole thing is kind of --</p> <p>20 Q Okay. I don't want to confuse you, Ryan.</p> <p>21 I asked you when you completed your week before --</p> <p>22 week or two before you got on the vessel, by that</p> <p>23 time, had you learned to lift properly?</p> <p>24 A I don't remember that.</p> <p>25 Q All right.</p>

<p style="text-align: right;">153</p> <p>1 A I don't know.</p> <p>2 Q So here's the next question. At what</p> <p>3 point do you know that you had learned to lift</p> <p>4 properly?</p> <p>5 A I couldn't tell you. I don't remember the</p> <p>6 dates. I don't know.</p> <p>7 Q I didn't ask for the date. Was it after</p> <p>8 one trip you learned how to lift properly?</p> <p>9 A I couldn't tell you. I don't know. I</p> <p>10 don't remember.</p> <p>11 Q Let me ask you this. By the time of the</p> <p>12 incident, which is six years after you started, had</p> <p>13 you learned how to lift properly then?</p> <p>14 A I guess. I'm not sure. If you're talking</p> <p>15 about being trained by web-based by them, I don't</p> <p>16 know.</p> <p>17 Q I'm asking --</p> <p>18 A I don't remember exactly when it happened,</p> <p>19 when they trained me.</p> <p>20 Q I understand that. I'm asking, during the</p> <p>21 time before your accident, were you properly trained</p> <p>22 not to lift by bending from the waist and by bending</p> <p>23 your knees?</p> <p>24 A You're saying was I trained improperly to</p> <p>25 lift?</p>	<p style="text-align: right;">155</p> <p>1 Q Do you remember when you first boarded the</p> <p>2 first vessel you ever got on to work for Marathon?</p> <p>3 A Yes.</p> <p>4 Q What was the date?</p> <p>5 A I couldn't tell you the date. I just</p> <p>6 remember boarding it.</p> <p>7 Q Okay. It was after a couple weeks of</p> <p>8 training?</p> <p>9 A A week or two, yes.</p> <p>10 Q And the training you got, again, was</p> <p>11 computerized training that you did that you</p> <p>12 described for me on the computer?</p> <p>13 A Uh-huh.</p> <p>14 Q Was there any other type of training than</p> <p>15 that?</p> <p>16 A Just like I said, TV and computer.</p> <p>17 Q Okay. So you did TV training and you did</p> <p>18 the computer training.</p> <p>19 A Yes.</p> <p>20 Q And by TV, you mean there were programs</p> <p>21 that you would watch on television that would teach</p> <p>22 you about safety?</p> <p>23 A There were CDs. It wasn't just about</p> <p>24 safety. It would be policy and procedures, I mean,</p> <p>25 just --</p>
<p style="text-align: right;">154</p> <p>1 Q No. Listen to my question. I'll re-ask</p> <p>2 it. By the time of your accident, had you already</p> <p>3 been trained not to lift improperly, in other words,</p> <p>4 lift by bending your knees and not bending your back</p> <p>5 at the waist? Had you already been properly trained</p> <p>6 not to do that?</p> <p>7 A I don't -- I can't remember. I don't</p> <p>8 know.</p> <p>9 Q Look at Exhibit 3 -- or Exhibit 4, this</p> <p>10 one here. What number is that?</p> <p>11 A The pictures?</p> <p>12 Q Yes. What number is that?</p> <p>13 A 4.</p> <p>14 Q Flip to this page here where it says</p> <p>15 lifting the load. Flip to that page.</p> <p>16 A Does it have a -- 1671?</p> <p>17 Q Yeah, it's number 1671 on the Bates stamp.</p> <p>18 It's at the bottom, 1671.</p> <p>19 A That's what I'm trying to find.</p> <p>20 Q Did you find the right page?</p> <p>21 A I believe so. Can I see the picture again</p> <p>22 just to double check?</p> <p>23 Q Just look at the number, 1671.</p> <p>24 A Yeah, I've got it. I just wanted to make</p> <p>25 sure it was the same one, okay.</p>	<p style="text-align: right;">156</p> <p>1 Q Was some of the training during that</p> <p>2 period on lifting, heavy lifting?</p> <p>3 A I don't remember.</p> <p>4 Q Do you remember that part of the job as a</p> <p>5 deckhand was going to be heavy lifting?</p> <p>6 A Yeah, they said --</p> <p>7 Q Right. They told you that?</p> <p>8 A Yes.</p> <p>9 Q And you knew that?</p> <p>10 A Yes.</p> <p>11 Q So they taught you some heavy lifting</p> <p>12 techniques and trained you on that before you ever</p> <p>13 got on the boat?</p> <p>14 A I don't remember what they --</p> <p>15 Q When you started, were you a deckhand</p> <p>16 three?</p> <p>17 A Yes.</p> <p>18 Q How long were you a deckhand three before</p> <p>19 you became some other form of deckhand?</p> <p>20 A I couldn't tell you.</p> <p>21 Q On this page 1671, it says, lifting the</p> <p>22 load. The key is lifting -- the key to lifting</p> <p>23 safely is keeping your back straight or slightly</p> <p>24 arched, never use your back to lift. Do you see</p> <p>25 that?</p>

<p style="text-align: right;">157</p> <p>1 A Yes.</p> <p>2 Q What does that mean?</p> <p>3 A Exactly what it states, keep your back</p> <p>4 straight and slightly arched, never use your back to</p> <p>5 lift.</p> <p>6 Q What does that mean you're supposed to do</p> <p>7 with your knees?</p> <p>8 A You bend.</p> <p>9 Q Okay. When did you first learn that, if</p> <p>10 you remember?</p> <p>11 A I couldn't tell you. I don't know.</p> <p>12 Q Was it before you ever got on the boat or</p> <p>13 was it after you --</p> <p>14 A I don't know.</p> <p>15 Q You don't remember if it was before you</p> <p>16 got on the boat or not?</p> <p>17 A No.</p> <p>18 Q Whenever you received this exhibit here,</p> <p>19 4, that would have been some instruction on that?</p> <p>20 A I don't remember ever receiving this</p> <p>21 exhibit or seeing --</p> <p>22 Q Do you remember ever getting any</p> <p>23 instruction and training on this, lifting safely?</p> <p>24 Do you ever remember that?</p> <p>25 A No, I don't.</p>	<p style="text-align: right;">159</p> <p>1 you were doing, and we'll get to that in a minute,</p> <p>2 do you think you were lifting properly?</p> <p>3 A I was doing what I could to the best of my</p> <p>4 ability without trying to hurt myself.</p> <p>5 Q So were you lifting properly or not? It's</p> <p>6 a simple question.</p> <p>7 A I don't know.</p> <p>8 Q You don't know if you were lifting --</p> <p>9 A I was lifting the best I could with the</p> <p>10 condition of the weather.</p> <p>11 Q Okay. Did you bend your knees or do you</p> <p>12 remember?</p> <p>13 A Yes.</p> <p>14 Q Did you keep your back straight or</p> <p>15 slightly arched?</p> <p>16 A That I don't remember, how quick</p> <p>17 everything was going.</p> <p>18 Q So you could have bent from your waist is</p> <p>19 what you're saying?</p> <p>20 A How fast we were being rushed, the</p> <p>21 weather, I know my feet were spread apart, I know I</p> <p>22 had to do some awkward things, just like with any</p> <p>23 part of the boat you have to do some things that are</p> <p>24 awkward and heavy.</p> <p>25 Q So what you're saying is because of the</p>
<p style="text-align: right;">158</p> <p>1 Q Did you know that from your experience?</p> <p>2 A Experience as -- what kind --</p> <p>3 Q As a deckhand.</p> <p>4 A I'm not understanding.</p> <p>5 Q Did you know and understand as a deckhand</p> <p>6 that the proper way to lift was lift safely by</p> <p>7 keeping your back straight or slightly arched and</p> <p>8 never use your back to lift?</p> <p>9 A Yes.</p> <p>10 Q You knew that?</p> <p>11 A Well, yes.</p> <p>12 Q And you were trained on how to do that?</p> <p>13 A I couldn't tell you when -- I don't know.</p> <p>14 Q I didn't ask when.</p> <p>15 A I don't remember.</p> <p>16 Q But you were trained to properly lift?</p> <p>17 A I don't remember them training me. I do</p> <p>18 not remember.</p> <p>19 Q But you knew that as a deckhand that that</p> <p>20 was a proper way to lift?</p> <p>21 A Yes, I knew how to lift. I don't know if</p> <p>22 it was considered proper. I don't know -- I just</p> <p>23 knew how to lift.</p> <p>24 Q Okay. For example, do you contend on the</p> <p>25 day of your accident when you were doing whatever</p>	<p style="text-align: right;">160</p> <p>1 circumstances you could have lifted improperly?</p> <p>2 A There is a possibility, yes.</p> <p>3 Q Okay.</p> <p>4 A I don't remember.</p> <p>5 Q Okay. And if other people said that they</p> <p>6 saw you lift improperly, you would agree with that?</p> <p>7 A I don't know if I would agree. I don't</p> <p>8 know.</p> <p>9 Q Okay. You don't remember how you were</p> <p>10 lifting?</p> <p>11 A We were being rushed and we had to get out</p> <p>12 there and hurry up and do it.</p> <p>13 Q I didn't ask about we. Did you lift</p> <p>14 properly?</p> <p>15 A I was being rushed. We had to hurry up</p> <p>16 and get out there and get it done because of the</p> <p>17 weather.</p> <p>18 Q All right. I heard that.</p> <p>19 A Okay.</p> <p>20 Q My question is, were you lifting properly</p> <p>21 or do you remember?</p> <p>22 A I couldn't tell you.</p> <p>23 Q That's a good answer. Thank you. Besides</p> <p>24 the training that you got on the computer and on the</p> <p>25 TV before you went on the vessel, we're talking</p>

<p style="text-align: right;">161</p> <p>1 about back in '08, did you continuously from 2 '08 until 2014, did you continuously receive 3 training with Marathon? 4 A Yes, we had monthly, or whenever it popped 5 up, web-based training or videos we had to watch. 6 Q Okay. And tell me generally about that 7 training from 2008 until up to the time of your 8 accident. Just describe the different training that 9 you got with Marathon. 10 A I know we had firefighting training, we 11 had HAZWOPER training we had to do. Part of being a 12 deck one, you had to do training before you ended up 13 getting your tankerman's license. You had more 14 firefighting training to do on that. There was 15 videos and web-based we had to watch. Just whenever 16 it popped up. It told you when you had to do it. 17 And the captain also kept record of it. 18 Q Okay. Looking again at this Exhibit 3, 19 that's the summary of the training, this seems to go 20 from '14 to 2013 to 2012 to 2011, on back until the 21 time you started. 22 A Okay. 23 Q If this is correct, and I understand you 24 think it could be made up, but if it's correct, it 25 looks and it appears as if generally you had many</p>	<p style="text-align: right;">163</p> <p>1 Q All right. But there were requirements 2 that you do certain training, make sure it had been 3 done, in order to start your next trip? 4 A That was -- they started that towards 5 the -- let me see, this is two years ago. So it 6 would have been another maybe year or two towards 7 the end of when I stopped -- when the incident 8 happened. They started saying you couldn't get on 9 the boat or something if you hadn't had your 10 training caught up or something. But I remember 11 getting on the boat, but I don't remember anything 12 not being allowed on the boat at all because I 13 received pay and everything. 14 Q Let me re-ask the question. At some point 15 in time, you were told that before you could make 16 your next trip you had to go in and get all your 17 training complete so that you would be eligible to 18 go on your next trip? 19 A That was passed down to everybody. 20 Q I'm not singling you out, Ryan. I'm just 21 asking you a question. 22 A No, I was just stating that. I was 23 answering your question. 24 Q All right. So the fact of the matter is 25 there were times when you had to be brought in and</p>
<p style="text-align: right;">162</p> <p>1 training sessions in every year you were employed 2 with Marathon. Is that true, in fact, that you did? 3 A It was just about almost every month. 4 When we got on the boat we had to finish up training 5 in order to please the office people. I'm not sure 6 exactly. We had dates it had to be finished by. I 7 couldn't tell you if this is true. I couldn't tell 8 if you somebody could have re-worded it, taken out, 9 added to it, taken the name off. I don't know. 10 Q I understand that. But you wouldn't have 11 any way to dispute the accuracy of this because you 12 kept no records yourself. Is that true? 13 A I didn't keep any records. We couldn't 14 keep any records. 15 Q All right. So in answer to my question, 16 you didn't keep any records so that you could 17 determine whether or not this was absolutely 18 accurate or not one way or the other? 19 A No. I don't have any records. 20 Q All right. You, in fact, were not allowed 21 to get back on the boat on several occasions because 22 you hadn't done the training. And in fact, you had 23 to make up the training so that you could get on the 24 boat? 25 A I don't remember that at all.</p>	<p style="text-align: right;">164</p> <p>1 told that you had to do your training in order to 2 make your next trip. Everybody else was told the 3 same thing. But you were as well? 4 A I wasn't singled out. But yes, everybody 5 was notified. 6 Q Okay. So training was required 7 periodically to make sure that you would be up on 8 your training so that you could take your next trip? 9 A Yes. 10 Q And if this is accurate, this Exhibit 3, 11 it looks like you had gotten training from 12 television, from CD and from computers every year 13 dating back through the year you started. Is that 14 true? 15 A Yes, we've done that and on land training. 16 Q And during that other -- during that 17 period of time, all those six years, you had land 18 training as well? 19 A Yes. 20 Q And all during that period of time, you 21 had training on lifting properly, among other 22 things? 23 A I don't remember exactly everything. I 24 remember going to firefighting classes, like I've 25 stated beforehand.</p>

<p style="text-align: right;">165</p> <p>1 Q Do you remember sessions, classes, 2 whatever you want to talk about, where they 3 cautioned you about back safety awareness and how to 4 lift properly? 5 A I don't remember. 6 Q You don't remember one way or the other? 7 A No, I don't remember. 8 Q Let's not break yet. I want to get to a 9 certain area and then we'll break and get some lunch 10 since it's here. I want to skip ahead a little bit 11 to the incident, Ryan. So let's get to that just 12 for a minute. We'll do that and we'll take a break. 13 Do you remember the day of the accident? 14 A Yes, I remember some things. 15 Q Which boat were you on? 16 A Nashville, I believe it was. I'm not one 17 hundred percent sure. Or they might have renamed -- 18 I'm trying to think if they renamed it. I think it 19 was Nashville. I'm not sure. 20 Q You're not sure? 21 A Not off the top of my head, no. I can't 22 remember. I think it's Nashville, but I'm not one 23 hundred percent sure. 24 Q Whichever boat it was, had you been on 25 that boat before?</p>	<p style="text-align: right;">167</p> <p>1 Q So you got on the boat at the same place 2 where? 3 A It was down south. 4 Q You remember where down south? 5 A I believe Louisiana. I'm not 100 percent 6 sure. 7 Q How did you get down from Evansville to 8 Louisiana? 9 A They flew us. 10 Q All of you together or did you just 11 converge from your city down to Louisiana? 12 A They flew me from -- they usually flew me 13 in from Evansville. Every once in a while they 14 would have me fly from somewhere else. I can't 15 remember exactly what airport they had me go to. 16 But we ended up -- everybody flew. They ended up 17 meeting at one location where the stop was. Like 18 say, and this is just an instance, like Memphis or 19 something, everybody flew into Memphis. We'd meet 20 up to the exact same airplane and fly down there. 21 Q So you boarded the vessel down south and 22 you went northbound? 23 A Yes. 24 Q Did you have barges in tow as you went 25 northbound?</p>
<p style="text-align: right;">166</p> <p>1 A Yes. 2 Q Do you remember if you were at the 3 beginning of your trip, the end of your trip, the 4 middle of your trip? 5 A We were roughly -- we got on down south. 6 Q You say we. Who are you talking about? 7 A The crew and everybody. We flew down 8 south. 9 Q Everybody got on at the same time? 10 A Yes. 11 Q Okay. Who was in the crew? 12 A Honestly, I don't remember their names. 13 I'm no good on names at all. 14 Q That's all right. Do you remember any of 15 the names of any of the crew members? 16 A Just the captain, Mike. 17 Q That's his first name. Do you remember 18 his last name? 19 A No. 20 Q Okay. Do you remember the names of any of 21 the other crew members? 22 A Dane or Dean. It started with a D. 23 Q Okay. Do you remember the names of any of 24 the other crew members? 25 A No, that's it.</p>	<p style="text-align: right;">168</p> <p>1 A Yes. They were already made up and 2 everything. 3 Q How many barges were there? 4 A Six, I believe. 5 Q Do you remember the names or numbers of 6 any of the barges? 7 A No. 8 Q Do you remember if they were empties or 9 loads? 10 A Empties. 11 Q What were you all planning on doing with 12 these empty barges? 13 A They were to go to St.-Louis -- we called 14 it St.-Louis, but it was Wood River area, wherever 15 the -- 16 Q And do what? 17 A Load them. 18 Q And then do what? 19 A Go back down south and discharge them. It 20 was a run from -- I'm just saying the big city, 21 St.-Louis to New Orleans. 22 Q Had you done that run before? 23 A Yes. 24 Q On this vessel or not? 25 A Yes, on this vessel and other vessels.</p>

<p style="text-align: right;">169</p> <p>1 Q Okay. Was this crew new to you or had you 2 worked with them before? 3 A I worked with them maybe a handful of 4 times or a little bit more. 5 Q Did you have a regular boat back then? 6 A What I was told by crew services that got 7 us on the boat, especially even when I first 8 started, is nobody has a set boat. Only the captain 9 and the engineers and possibly the mates have a set 10 boat. Everybody else can be switched at any time. 11 Q So my question to you was, did you have a 12 regular boat when you boarded this vessel at that 13 time down south? 14 A I don't know if that was considered my 15 regular boat or not. 16 Q When was the last time you had worked on 17 this boat, if you remember? 18 A The month prior. 19 Q So you think you -- 20 A Or the other month prior, however -- every 21 other month, of course, so the prior one before 22 that. 23 Q So you think you were on this same boat 24 then? 25 A Yes, I was on the same boat.</p>	<p style="text-align: right;">171</p> <p>1 second watch. 2 Q I understand that. And when you say the 3 first, do you mean the forward watch? 4 A You could call it forward. 5 Q And second, you call it the after watch? 6 A After watch or back watch or night watch. 7 Q And I understand you don't know which one 8 you were on. 9 A Yes. 10 Q My question is, do you know the other two 11 crew members that were working with you in the deck 12 crew? Had you worked with them before? 13 A The prior time before the incident, the 14 month or month and a half or two months prior before 15 that, I know I've worked with Dean, or Dane. I 16 remember that name. I don't remember if I worked 17 with the other deckhands or not. I'm not sure. I'd 18 have to see faces to be able to tell you when. I 19 couldn't tell you exact dates. 20 Q Was Dane the mate? 21 A Yes. 22 Q And you were a deckhand one? 23 A Yes. 24 Q And then there was another deckhand? 25 A I couldn't tell you if there was one or</p>
<p style="text-align: right;">170</p> <p>1 Q When you boarded it, did you expect to be 2 on there for what kind of a hitch? 3 A I don't know. They've taken me off to 4 fill in. They've taken other people off to fill in 5 if people had to go home sick or something. It's 6 just a phone call and you get on a plane basically. 7 Q What was your crew position when you 8 boarded the vessel? 9 A I was a deckhand one. 10 Q On which watch? 11 A I couldn't tell you. 12 Q Don't know -- you don't remember the 13 watch. 14 A I can't remember if it was the first or 15 second. 16 Q What were the other crew members on the 17 deck that you were working with on the same watch as 18 you? 19 A Do what now? 20 Q The way they have the vessel, there are 21 two watches. 22 A Yes. 23 Q You were on one watch. You don't know 24 which one it was? 25 A I don't remember if it was the first or</p>	<p style="text-align: right;">172</p> <p>1 two. I couldn't tell you. I don't know. 2 Q You don't know if there was -- 3 A I can't remember how many deckhands there 4 were. 5 Q You don't remember how many deckhands 6 there were on your watch? 7 A No. Sometimes we were running 8 shorthanded, sometimes we had a full crew. 9 Q Do you remember you being shorthanded at 10 that time? 11 A I don't remember. 12 Q I think the record will be that there was 13 you and two other deck crew members. That would be 14 the normal crew complement, wouldn't it? 15 A For that boat, one room, two rooms, three, 16 four, five, six, seven -- there's eight rooms on the 17 boat, I believe, eight rooms. The captain sleeps by 18 himself, engineer sleeps by himself. There's six 19 rooms. The pilot usually sleeps by himself unless 20 there's extra people. So that could be iffy right 21 there. So there could be 12 people total. 22 Q Listen to my question. I'm not talking 23 about rooms or anything else. 24 A No, I'm trying to figure out for you how 25 many people can actually be there for a full crew.</p>

<p style="text-align: right;">173</p> <p>1 Q I understand. If you know, you know. If 2 you don't, you don't. Wasn't the normal crew 3 complement for this boat to have a mate and two 4 deckhands on each watch, or do you know? 5 A There's nothing normal. It's always -- it 6 switches up. It varies. 7 Q Do you know how many were on your watch 8 with you out on the deck crew? Do you remember one 9 way or the other? 10 A I don't remember. 11 Q You remember you had a mate though? You 12 remember that? 13 A Yes. 14 Q And you remember you had another deckhand, 15 or do you remember that? 16 A Possibly, vaguely. I don't -- I don't 17 know. 18 Q You don't have a memory one way or the 19 other? 20 A No, I don't. 21 Q And you certainly don't know what his name 22 was, if it was -- 23 A No, I don't remember a name. 24 Q Do you remember if he was experienced, 25 inexperienced? Do you know one way or the other?</p>	<p style="text-align: right;">175</p> <p>1 A It was not at nighttime. I know that. 2 Other than that, I don't know. 3 Q All right. Could have been in the 4 morning, could have been in the afternoon, could 5 have been in the evening? 6 A I didn't have a watch. We couldn't take 7 watches. Everything is -- it's red flag barges. 8 They have to be intrinsically safe for you to take 9 anything out there. I couldn't tell you. 10 Q I understand. And you don't remember 11 which watch you were on? 12 A No. This is two years ago. 13 Q I understand. Do you remember how long 14 you had been on watch before you got into the 15 St.-Louis area where you all were going to do 16 something? 17 A I couldn't tell you the timeframe. 18 Q All right. Do you remember what you were 19 doing at the time of the incident? 20 A We were laying wires, lacing them into the 21 other fleet. 22 Q Do you know what the purpose was for 23 putting your barges alongside the fleet? 24 A You have to tie them off in order to take 25 a barge one-by-one or two-by-two, however the</p>
<p style="text-align: right;">174</p> <p>1 A I don't know what deckhand he was, if he 2 was, one, two or three. I don't know. 3 Q All right. You rode the boat on the same 4 watch all the way up until you got to the St.-Louis 5 area? 6 A I believe so. 7 Q You didn't switch watches. You were on 8 the same watch? 9 A I believe. So I'm not one hundred percent 10 sure. 11 Q Do you know what time your incident 12 occurred approximately? Was it nighttime, daytime, 13 evening time? 14 A I didn't have a watch or anything. 15 Q Approximately. Do you remember? 16 A I didn't have a watch or anything. 17 Q You wouldn't have any idea? Could have 18 been the morning? 19 A I can look it up on line and estimate 20 time. 21 Q I'm asking for your memory. Listen, I'm 22 asking for your memory. Do you remember what 23 approximate time your accident happened, morning, 24 middle of the day, evening, nighttime? Do you have 25 a memory?</p>	<p style="text-align: right;">176</p> <p>1 captain or Marathon wants to do it. So you have to 2 tie them off or they will just float away. 3 Q So you were going to tie your barges off 4 to the fleet at a facility there and then they were 5 going to take the barges one-by-one or two-by-two or 6 whatever to the place where they were going to be 7 loaded? 8 A Yes. 9 Q So the place where you were bringing the 10 tow to was at that fleet? 11 A Yes. They drop off at a fleet and sit 12 there. 13 Q Whose fleet was that, if you know? 14 A I don't know. There's different fleets 15 they use up and down. 16 Q I understand. I'm just asking you, do you 17 know the name of the fleet where you were bringing 18 the barges to? 19 A No, I'm explaining to you I don't know. 20 Q Do you remember if it was on the Illinois 21 side of the river or the Missouri side of the river? 22 A I couldn't tell you. 23 Q Do you remember what river you were on? 24 A Wood River. 25 Q What river? The Ohio River, the</p>

<p style="text-align: right;">177</p> <p>1 Monongahela, the Amazon? 2 A Wood River. 3 Q What river though? 4 A That is a river, Wood River. 5 Q But I'm talking about the water. The 6 water, is that the Ohio River or -- 7 A That is on water. Wood River is on water. 8 Q I understand. What was the name of the 9 river? 10 A Wood River. 11 Q Okay. What's -- 12 A I can show you a picture on Google. 13 Q What's the name of the river up there by 14 Catlettsburg? 15 A Ohio River. 16 Q Okay. What was the name of the river you 17 were on? 18 A Wood River. 19 Q Okay. One day before you were in Wood 20 River, what was the name of that river you were on? 21 A The Mississippi River. 22 Q Okay. Was it still the Mississippi right 23 there, or do you know? 24 A Mississippi, Wood River. 25 Q Okay, I got you. So the river you were on</p>	<p style="text-align: right;">179</p> <p>1 those crew members? 2 A No. 3 Q And you don't know the name of the 4 company? 5 A No. 6 Q Were they assisting you all with doing 7 whatever you were doing? 8 A Sometimes they would help. They would 9 tell us how they want the wires laid. Like I stated 10 before, once we leave, that's their property 11 until -- 12 Q Okay. How long were you out on the tow 13 doing whatever you were doing before the incident? 14 A I couldn't tell you. 15 Q You don't have an idea? 16 A No. 17 Q Had you been -- strike that. Do you 18 remember how long you had been on watch before the 19 incident? 20 A No. I remember making the lock and I 21 remember starting to tie off. I don't remember the 22 timeframe. 23 Q Okay. Which lock was that that you made? 24 A I don't know the lock's name. As soon as 25 you come off the Mississippi right there past</p>
<p style="text-align: right;">178</p> <p>1 was the Wood River. 2 A Correct. 3 Q What town were you near? 4 A That I don't know. The biggest city I was 5 near was St.-Louis. 6 Q Okay. When you were at this facility 7 where you were going to drop your tow off, were you 8 working with the fleeting company? Were you working 9 with them at all? Did they have anybody out there 10 helping you all or do you know? 11 A Oh, yes, they come out to make sure we tie 12 in correct. They have certain rules of their own 13 how they want them laced in. 14 Q Okay. 15 A Because once we leave the barges, they are 16 their property. 17 Q I understand. So when you were working 18 with Dane and the other person, there was another 19 crew there from whatever company this was? 20 A Either one or two people. I can't 21 remember. 22 Q Did they have a little boat out there 23 helping you? 24 A A little tug. 25 Q All right. Do you know the name of any of</p>	<p style="text-align: right;">180</p> <p>1 St. Louis, there's -- it's a little stream. It's 2 called Wood River. There's a lock right in there. 3 Q Were you going up river to go through that 4 lock? 5 A Yes. 6 Q So did you assist with the lockage? 7 A Yes. 8 Q Did you all have to break apart your tow? 9 A No. 10 Q That's because you could make a single 11 lockage through that lock? 12 A Yes. 13 Q But you don't know that lock number or 14 anything like that? 15 A No. 16 Q So who -- do you remember what you did in 17 making that lock, what you, yourself, did? 18 A Just sat there with the line. I mean, 19 tighten it back up, do whatever is needed to be done 20 for doing the lock. 21 Q Do you remember the details of your 22 locking through that lock before you got to the area 23 where you were going to tie off your tow? Do you 24 remember if you were on the head of the toe or the 25 stern of the tow? Do you remember?</p>

<p style="text-align: right;">181</p> <p>1 A I was on the stern, I believe. 90 percent 2 of the time I'm on the stern unless the mate wants 3 to go on the stern for some weird reason or if he's 4 teaching another deckhand how to do stuff. So I 5 stay on the head and he goes back to the stern. 6 MR. O'BRYAN: I've got go use the bathroom 7 for a minute. 8 MR. MASSEY: Can I go ahead? 9 MR. O'BRYAN: No. 10 MR. MASSEY: Go to the bathroom. We'll 11 wait on you. 12 MR. O'BRYAN: Why don't we just break for 13 lunch? 14 MR. MASSEY: Yeah, but I want to get to 15 the accident. We need to make up some time here if 16 you're going to make your flight. That's what I'm 17 trying to get through. 18 (Off the record.) 19 Q (By Mr. Massey) You think on the lock 20 maneuver that you were on the stern? 21 A Yes. 22 Q All right. And so you made the lock with 23 no problem? 24 A Correct. 25 Q How long was it -- strike that. Do you</p>	<p style="text-align: right;">183</p> <p>1 A I don't keep track of that. 2 Q So the answer is you don't know? 3 A No. I don't keep track of that. I don't 4 know. 5 Q Okay. But you do think you remember going 6 into the boat or getting off the tow? 7 A I remember having a meeting, going 8 downstairs, relieving my man, and being in the lock. 9 Q All right. When you had your meeting and 10 going downstairs before you went on the tow to make 11 the lock, where was that meeting? 12 A In the wheelhouse. 13 Q And who participated in that meeting? 14 A Each watch has their own meeting. 15 Q Okay. Who participated in your meeting? 16 A The captain, the mate. 17 Q You? 18 A Whatever deckhands, me. Sometimes an 19 engineer if he wants. But if we're making a lock, I 20 don't think he -- 21 Q I'm asking for your memory on that day. 22 A I don't -- 23 Q Who participated in the meeting? 24 A I couldn't give you names. I know me, the 25 deckhands, some deckhands, and the captain.</p>
<p style="text-align: right;">182</p> <p>1 remember how long you had been on watch before you 2 made lock? 3 A I don't remember. I don't remember. 4 Q All right. After you made the lock, did 5 you stay out on the tow or did you go back inside 6 the boat? 7 A Made the lock, tied everything up. I 8 don't remember if the mate wanted to go out and help 9 finish fixing the barges or if we came back. I 10 don't remember exactly. 11 Q All right. How long was it between the 12 time you exited the lock and you got to the place 13 where you were going to tie off your tow? Ten 14 minutes, thirty minutes, an hour? Just give me your 15 best estimate. 16 A That I don't know. I don't remember. The 17 captain should have that in his logs exactly what 18 times. 19 Q I'm asking for your memory. I've got all 20 the records. I already know. I'm asking you -- 21 A I don't know. 22 Q -- so you understand. I'll repeat the 23 question. Do you have an estimate about how long it 24 took to get from when you finished the lock until 25 you got to the fleet?</p>	<p style="text-align: right;">184</p> <p>1 Q The captain? 2 A And the mate. 3 Q Tell me everything you remember about the 4 meeting. 5 A Basically the meeting was you're making a 6 lock, you're going to get wet. 7 Q Who was saying those words? 8 A The captain. 9 Q All right. Go ahead. 10 A Evil laugh. You're going to get wet. We 11 have a big storm coming. We're going to hurry up 12 and get there. You need to hurry up and tie me in 13 before this storm comes because it's really bad. 14 Q Do you remember anything else? 15 A That was the gist of it. That's all I can 16 really remember. 17 Q Let me skip ahead just a little bit. Were 18 you hurrying when you did whatever you were doing to 19 cause you to get injured? 20 A Yes, we were being rushed. 21 Q I'm saying -- listen to my question. Were 22 you hurrying when you did whatever it was you did to 23 get hurt? 24 A That was my answer. Listen to my answer. 25 Yes, we were being rushed.</p>

<p style="text-align: right;">185</p> <p>1 Q I didn't ask what we were doing. I was 2 asking what you were doing. 3 A We, including me. 4 Q Listen, listen, you need to answer my 5 questions. You don't come back to me like that. 6 I'm not coming back at you. My questions are very 7 simple. If you want to ask me to repeat them, I'll 8 do it. But you need not to argue with me. 9 A I'm answering your question. 10 Q My question is, when you did whatever you 11 were doing that you got hurt doing, were you 12 hurrying? 13 A We were being rushed, including me. 14 Q So were you hurrying? 15 A We were being rushed, including me. 16 Q If we were in front of a judge, the judge 17 wouldn't let you get away with that answer. 18 A Okay. 19 Q So I'm asking you again that question and 20 you need to answer my question. I'm not asking what 21 we were doing or what some other people were doing. 22 A Okay. I was being rushed. 23 Q I've heard that now. You said that three 24 or four times. Here's my question. Were you 25 hurrying?</p>	<p style="text-align: right;">187</p> <p>1 THE WITNESS: Is that not -- 2 Q (By Mr. Massey) Listen to my question, 3 Ryan. You say you were being rushed. And for that 4 reason, were you hurrying? 5 A As I stated before, I was being rushed by 6 everybody. 7 Q And so were you hurrying? 8 A By doing so, that is the same. Being 9 rushed is -- 10 MR. O'BRYAN: He doesn't understand the 11 distinction. I can get the answer if you want. 12 MR. MASSEY: I want to know if he was 13 rushed. That's my question. 14 MR. O'BRYAN: I know. 15 MR. MASSEY: And I'm going to -- 16 MR. O'BRYAN: He's saying the third party 17 was rushing him. He just doesn't understand that 18 that doesn't mean necessarily that he was rushing. 19 Can I ask it? 20 MR. MASSEY: Ask him if you want to. 21 MR. O'BRYAN: Okay. So you're saying the 22 captain was rushing you, correct? 23 THE WITNESS: Correct. 24 MR. O'BRYAN: Okay. Now, the captain 25 could be rushing you, but you could still be taking</p>
<p style="text-align: right;">186</p> <p>1 A I've stated my answer before previous. 2 Q Okay. So you were hurrying because you 3 were being rushed. Is that right? 4 A My previous answer was stated just before. 5 Q And so you're refusing to answer this 6 question? 7 A I never refused. My previous answer, like 8 I stated before, that was my answer. 9 MR. MASSEY: I'm going to call the judge 10 here if this continues, Dennis. You can instruct 11 the guy or not and do whatever you want to do. But 12 he's not answering my question. 13 THE WITNESS: How is that not answering? 14 MR. O'BRYAN: I think he can't make the 15 fine distinction between his answer and your 16 question. Can I ask -- can I ask it? 17 Q (By Mr. Massey) My question is very 18 simple. Were you hurrying at the time you were 19 doing whatever you were doing that caused you to get 20 hurt? 21 A I was being rushed. 22 Q That calls for a yes or no answer. 23 A I was being rushed. 24 Q I understand. You say you were being 25 rushed.</p>	<p style="text-align: right;">188</p> <p>1 your time. So the question is, okay, the captain 2 was rushing you. 3 THE WITNESS: Because of the weather. 4 MR. O'BRYAN: Okay. But the question is, 5 were you rushing then? Were you rushing, yes or no? 6 THE WITNESS: Well, yes, we were forced 7 to. 8 MR. O'BRYAN: I didn't ask for an excuse. 9 I'm just saying, were you rushing? 10 THE WITNESS: Of course. 11 MR. O'BRYAN: Okay. That's all I was 12 asking. 13 Q (By Mr. Massey) So you were rushing at the 14 time you did whatever you did to cause you to get 15 hurt? 16 A Yes. We had to. 17 Q Was that against the rules to rush? 18 A I don't have a copy of the rules or 19 anything from that. I don't know. 20 Q I didn't ask you if you had a copy. 21 Listen -- 22 A I know they didn't like it. So I don't 23 know. 24 Q From your six years' experience, was it a 25 rule violation to rush when you're doing your work?</p>

<p style="text-align: right;">189</p> <p>1 A I don't know. I don't have the rules. 2 Q If it is a rule that you're not supposed 3 to rush, you were violating it by rushing? 4 A I was following orders. 5 Q Were you violating the rule? 6 A I was following orders. 7 Q If the testimony in the case is that 8 nobody else was rushing and they, in fact, told you 9 not to rush, would that be a violation of the rules 10 if you did rush? 11 A I don't know. I don't know the rules. 12 Look at the weather. We were forced. 13 Q So you had your meeting and you all left 14 the wheelhouse? 15 A Yes. 16 Q You don't recall anything else being 17 discussed or any further part of the conversation 18 other than what you just said? 19 A I don't recall anything else. 20 Q So you went downstairs. Then did you go 21 out on the tow? 22 A Yes. 23 Q And then you made the lock like you've 24 told me. 25 A We relieved our man, made the lock.</p>	<p style="text-align: right;">191</p> <p>1 could fit us. 2 Q Okay. So nobody had any rain gear that 3 would fit them? 4 A One of the big problems with different 5 crews and different captains is shorthanding 6 supplies and everything else because they have to 7 keep -- each captain has a budget they have to keep 8 to. So they shorthand us, which pretty much -- I 9 mean, they screw you pretty much. 10 Q So you think Dane looked for rain gear for 11 himself and he couldn't find any? 12 A I think he did. I know I did for a fact. 13 Q Okay. You didn't find any to fit you? 14 A No. They did not fit me. 15 Q But you wanted to wear rain gear? 16 A Yes. 17 Q So describe for me how the rain changed, 18 if it changed at all, from the time you went out 19 until you made the lock. Was it the same, worse? 20 A We got out there, it started raining like 21 normal, little spitting rain. It got worse as we 22 pulled out of the lock. It got even more worse. It 23 started stinging our skin. By the time we tied off, 24 the wind was blowing sideways 50 plus miles an hour 25 it seemed like, stinging our skin real bad, cold</p>
<p style="text-align: right;">190</p> <p>1 Q Okay. And then you came back in? 2 A Yes. Or stayed out. I'm not sure 3 exactly. 4 Q You don't remember if you came back in or 5 stayed out the whole time? 6 A No. 7 Q When you went out to make the lock, was it 8 raining at that time? 9 A Yes, it started raining. 10 Q Did you put your rain gear on? 11 A No. They didn't have anything for me. 12 They didn't have anything that fit me. 13 Q Did everybody else have their rain gear 14 on? 15 A No. 16 Q So nobody had the rain gear on? 17 A No. The previous crew or captain left us 18 with very little and smalls and medium rain gear 19 that didn't fit at all. 20 Q So you went to look for rain gear? 21 A Yes, we looked for it. 22 Q And you say we went to look for it. Did 23 they look for it for you or -- 24 A I looked, the mate looked, everybody 25 looked. Nobody wore any type of rain gear. Nothing</p>	<p style="text-align: right;">192</p> <p>1 rain. And the captain was yelling over the mic, 2 hurry up, hurry up, get me in, lace me. I forget 3 the exact wording, but it was like lace me in, tie 4 me in or however, because they're empties. And in 5 that type of wind, lightening and everything, they 6 go everywhere and it's very hard for him instead of 7 him shoving it into the bank. That would have been 8 a lot easier. 9 Q Do you know if any of the crew members on 10 the other vessel, do you know if they had rain gear 11 or not? 12 A I don't believe they had any rain gear. 13 Q Do you remember? 14 A I'm not -- I'm sure the video camera on 15 top of the boat would be able to tell you exactly. 16 I'm not sure exactly. But I know I didn't find any 17 rain gear to fit me, and most of the people are 18 about my size. 19 Q So do you remember them having rain gear 20 or not? 21 A I couldn't tell you. I don't remember one 22 hundred percent. 23 Q Did you all have radios? 24 A Yes. 25 Q Each of you had a radio?</p>

<p style="text-align: right;">193</p> <p>1 A Yes. It's required going out on the 2 barges. 3 Q What's the purpose of the radios? 4 A Keeping in contact with the boat, telling 5 him where he's going exactly because he can't see. 6 Q Where was your radio? 7 A On my back, and mic right here by my neck. 8 Q And the other crew members from the 9 Marathon boat had radios as well? 10 A Yes. They are all in a pouch and either 11 in the pocket or they are supposed to be in the 12 pouch on your life preserver. 13 Q As you went out to leave the lock and then 14 to ultimately tie off the fleet, you don't -- you 15 say you don't remember if you went in or stayed out 16 there? You don't remember one way or the other? 17 A I don't remember if there was something to 18 do out there. Sometimes there's some things to do 19 that need to get done real quick. 20 Q You're saying on this date you don't 21 remember. And you don't remember how long it was 22 after you left the lock until you finally landed and 23 got tied off? 24 A No. This is two years ago. I don't 25 remember.</p>	<p style="text-align: right;">195</p> <p>1 instructions or did Dane communicate anything to you 2 about what you were supposed to do? 3 A I don't remember. I remember calling him 4 in, telling him how many feet he was away, how far 5 he was falling off, if he was coming in. 6 Q What you mean by that is as the captain's 7 head is approaching the fleet you're telling him how 8 far he is off the fleet? 9 A Yes. 10 Q So were you out on the head by yourself or 11 was the other two guys out there with you? 12 A I remember Dane out there. I don't 13 remember if there was another guy. I don't 14 remember. 15 Q But he was right there alongside you? 16 A Yes. He was not exactly beside me, but he 17 was on over doing something else. I don't know. 18 Q He was within arm's length of you? 19 A Actually farther than that. He was on the 20 same barge or -- he could have been 50 something 21 feet away. He was kind of right there getting stuff 22 ready because you have to take the lines and 23 everything, put them on the outside in order to get 24 them on the boat. He might have been doing that. I 25 wasn't paying attention. I was doing my job trying</p>
<p style="text-align: right;">194</p> <p>1 Q All right. So what was the thing that you 2 did to prepare yourself to make the landing? Tell 3 me what you did. 4 A Prepare myself to make the landing? 5 Q Yeah. Did you go out on the tow or did 6 you stay in the deck locker of the boat? What did 7 you do? 8 A When it was time to tie off into the 9 barges or the fleet, we had to go out there to tie 10 them off. 11 Q Okay. So where did you go? 12 A We went out to the head of the boat, the 13 barges. 14 Q All of you? 15 A Yes. 16 Q So you, the mate, and the other deckhand 17 went to the head of the tow? 18 A Yes. 19 Q And so what did you all do after you got 20 out there? 21 A We started lacing them in. 22 Q You mean after you came alongside the 23 fleet? 24 A Yes. 25 Q All right. Were you given any</p>	<p style="text-align: right;">196</p> <p>1 to call him in to where he needed to be. 2 Q Okay. So were you calling him in the 3 entire time or just in the beginning when you got up 4 to the fleet? 5 A The most crucial part is at the beginning 6 where you're constantly in contact, telling him how 7 many feet away he is, how he's sliding off, what's 8 going on, so you can get first laced in at the 9 beginning of the head. And then when you go back to 10 another barge, 300 feet or 290 feet, whatever feet 11 away it is, you have to lace in there. You go back 12 another 290 feet, you have to lace them in there. 13 Then it's done. 14 Q Okay. You say your accident happened in 15 what part of this process? 16 A We were being rushed so fast, I don't know 17 exactly what -- when exactly it happened, what 18 point. I know adrenaline was pumping and everything 19 going on, the weather being so bad, it was a rush. 20 Q Okay. Was there -- 21 A Rush as in -- excuse me, a rush as in 22 heart race, everything going because -- 23 Q Was there something that happened while 24 you were out there that caused you to get hurt? 25 A I don't know.</p>

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- 1 Q All right.
- 2 A I mean, it was the weather, him being
- 3 rushed, I mean, the lines being bad. I mean, there
- 4 was multi --
- 5 Q Okay. Was there anything that happened,
- 6 though, any incident that caused you to hurt
- 7 whatever you hurt?
- 8 A I'm not -- I don't know exactly what
- 9 you're getting at.
- 10 Q Did you do anything that caused you to get
- 11 hurt? Did you fall, slip, trip, do anything that
- 12 caused to you get hurt?
- 13 A I didn't fall, I didn't slip, I didn't
- 14 trip.
- 15 Q Okay. You were just out there working and
- 16 then later you felt like you had gotten hurt?
- 17 A I was out there yanking, pulling the
- 18 wires. I mean, when your adrenaline is pumping, you
- 19 don't feel until afterwards.
- 20 Q I understand. So you aren't able to tell
- 21 us what it was that caused you to get hurt?
- 22 A What it was was being rushed, the lines
- 23 being bad, the wires being -- I mean, the wires
- 24 being bad, having to yank those. I mean, having to
- 25 pull them off timberheads, that's what caused it.

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- 1 Q Did Dane instruct you whenever you all
- 2 went out there, did he instruct you that you didn't
- 3 have to handle any of the wires?
- 4 A No. He never said that at all.
- 5 Q Did you handle some wires?
- 6 A Yes.
- 7 Q How many wires did you handle?
- 8 A I know of at least one. I'm not sure
- 9 exactly. Because a lot of things were going on.
- 10 Q You know of at least one wire you handled?
- 11 A Yes, at least, minimum.
- 12 Q When you were handling that wire, did
- 13 anything about handling that wire cause you to get
- 14 hurt?
- 15 A The weather, the wire itself, being
- 16 rushed. I mean, the whole combination like I stated
- 17 before.
- 18 Q How did the wire itself cause you to get
- 19 hurt?
- 20 A Because of how bad it was. It was wound
- 21 up inside the drum, messed up, old, needed to be
- 22 changed out. Had to yank the wire itself, pulling
- 23 it, trying to get it unfouled. Barely got it off
- 24 the timberhead.
- 25 Q Now, the -- is that the one wire that you

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- 1 say that you handled, the one you've just described?
- 2 A Yes, of course, I remember that one for a
- 3 fact because of how bad it was.
- 4 Q All right. Before handling that wire,
- 5 nothing else caused you to get hurt that you
- 6 remember?
- 7 A I don't know. I don't remember. I don't
- 8 remember if I handled the back wire or if somebody
- 9 else was doing it. Because after we laid some the
- 10 harbor boat was there doing other things to it to
- 11 make sure --
- 12 Q Well, whatever that wire was, you didn't
- 13 get hurt handling any of that wire?
- 14 A I remember getting done handling that
- 15 wire, doing all that stuff, getting up, things
- 16 feeling tight in my back. I was going, what's going
- 17 on in my back. They asked me what was wrong. I
- 18 said, something feels kind of tight, doesn't feel
- 19 right. But everything was still pumping. Weather
- 20 was still going. Lightening was still happening. I
- 21 had to stop 150-foot back before I went to the boat.
- 22 We stopped. I was like, what's going on because it
- 23 was getting worse.
- 24 Got back to the boat, went in, sat down,
- 25 soaking wet on the boat. I can't remember how I

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- 1 changed my clothes, if my guy was awake, my relief
- 2 just awake or whatever, or if I had a spare set of
- 3 clothes. Sometimes I keep a spare set in the
- 4 locker. I can't remember. But I know I changed
- 5 clothes. And he said, we're done for the day, we
- 6 ain't doing nothing, it's too bad out there. We're
- 7 not even loading because of the weather. They won't
- 8 let us because of the lightening.
- 9 Q All that you just described about that,
- 10 was that after the wire you're talking about or was
- 11 that before or do you remember?
- 12 A I remember with the back getting tight and
- 13 everything was after that wire I just described.
- 14 Q Was that the -- that was the one wire you
- 15 handled?
- 16 A Yes.
- 17 Q Was that towards the end of the whole
- 18 process?
- 19 A That was towards the middle. That was at
- 20 least -- there's the beginning, the middle and the
- 21 end of the barges. They had me go in -- I'm not
- 22 sure who laced up the back, if I did. I don't know
- 23 if we did. I'm not sure exactly how, what happened.
- 24 Q Let me ask you this. Do you remember how
- 25 many wires your crew moved to get the fleet tied

<p style="text-align: right;">201</p> <p>1 off?</p> <p>2 A I don't remember.</p> <p>3 Q You don't remember if it was one, two or</p> <p>4 three or more?</p> <p>5 A I know one of course because it was me,</p> <p>6 but I don't know.</p> <p>7 Q All right. Did you stay on the barges the</p> <p>8 entire time, on the Marathon barges? You didn't get</p> <p>9 off on the fleet?</p> <p>10 A No. We went back to the boat after</p> <p>11 everything was tied in. We went back to the boat.</p> <p>12 Q Listen to my question. As you were coming</p> <p>13 up next to the fleet, you've got the fleet barges</p> <p>14 and you've got your barges, correct?</p> <p>15 A Yes.</p> <p>16 Q My question is, did you stay on the</p> <p>17 Marathon barges the whole time?</p> <p>18 A The whole time they were being tied in, I</p> <p>19 believe.</p> <p>20 Q You didn't get off on the fleet barges?</p> <p>21 A No.</p> <p>22 Q Did Dane or the other crew member, or do</p> <p>23 you remember?</p> <p>24 A Somebody had to step over to the other</p> <p>25 fleet because --</p>	<p style="text-align: right;">203</p> <p>1 or not?</p> <p>2 A I don't know. That's the other crew.</p> <p>3 That's the harbor boats. I don't know.</p> <p>4 Q Did you have to handle any ratchets at</p> <p>5 all?</p> <p>6 A We just tied off. No, I don't remember</p> <p>7 any ratchets.</p> <p>8 Q I'm asking you now, Ryan, not we.</p> <p>9 A We just tied off. I don't remember using</p> <p>10 any ratchets or anything.</p> <p>11 Q Okay. You don't remember you using any</p> <p>12 ratchets?</p> <p>13 A I don't remember it, no.</p> <p>14 Q Did you ever operate the winch?</p> <p>15 A I may have tightened it, checked it. I</p> <p>16 don't know. I don't remember.</p> <p>17 Q Do you remember operating the winch?</p> <p>18 A I may have tightened it or checked it. I</p> <p>19 don't remember.</p> <p>20 Q All right. You mentioned something about</p> <p>21 pulling the wire from the winch.</p> <p>22 A Yes.</p> <p>23 Q Who was operating the winch if you were</p> <p>24 pulling the wire?</p> <p>25 A One of the deckhands.</p>
<p style="text-align: right;">202</p> <p>1 Q Listen to my question. You didn't get off</p> <p>2 to do that?</p> <p>3 A No.</p> <p>4 Q Did Dane do that, or do you remember?</p> <p>5 A Yes, I believe Dane did it. I believe it</p> <p>6 was Dane.</p> <p>7 Q Describe for me how the Marathon barges</p> <p>8 mate up to the fleet barges. Were they the same</p> <p>9 height or different heights or do you remember?</p> <p>10 A I don't remember.</p> <p>11 Q And do you remember how many wires your</p> <p>12 crew had to move to get the fleet tied off?</p> <p>13 A I don't remember.</p> <p>14 Q All right. Do you remember the type of</p> <p>15 arrangements they had to move on the wires? Do you</p> <p>16 remember if they -- what kind of arrangement it was?</p> <p>17 A I have no idea. I don't remember.</p> <p>18 Q You know what a single part or double part</p> <p>19 wire is?</p> <p>20 A Yes.</p> <p>21 Q So do you know if they were single parts</p> <p>22 or double parts?</p> <p>23 A I don't remember.</p> <p>24 Q Do you know if they used safety lines on</p> <p>25 the fittings when you all were tying off the fleet</p>	<p style="text-align: right;">204</p> <p>1 Q Okay. But you weren't operating the</p> <p>2 winch?</p> <p>3 A No.</p> <p>4 Q You said something about the wire being</p> <p>5 bad.</p> <p>6 A Yes.</p> <p>7 Q What do you mean by that?</p> <p>8 A It was old, kinked, short. It was just</p> <p>9 what we call a nasty wire. It was a bad wire. It</p> <p>10 don't want to work with you. It's old, it's nasty,</p> <p>11 it may be missing insides. I mean, I don't know.</p> <p>12 Q Describe for me what you were -- you had</p> <p>13 to do to move the wire to connect it to the fleet</p> <p>14 when you were operating -- when whoever it was was</p> <p>15 operating --</p> <p>16 A While he's undoing the drum, we had to</p> <p>17 yank the wire so hard to help get it out, yanking it</p> <p>18 and yanking it.</p> <p>19 Q Why did you have to get the wire out?</p> <p>20 What were you trying to do?</p> <p>21 A You had to pull slack in order to lay the</p> <p>22 wire to the other barges.</p> <p>23 Q Okay. So your idea was to pull some wire</p> <p>24 out of the winch, put the winch on the fitting on</p> <p>25 the fleet barge, and then tighten the winch?</p>

<p style="text-align: right;">205</p> <p>1 A I was to take it off the timberhead, hand 2 it to -- I believe it was the mate, I'm not one 3 percent sure, Dane, or it could have been -- I 4 remember there were other fleet guys on that barge 5 too, hand it to them, they laid it down, it got 6 tightened back up. I'm not sure if I double-checked 7 the winch to see if it was tight. I don't know. 8 Q Okay. And you weren't operating the 9 winch, but you were taking the wire off the winch? 10 A Yeah. I wasn't doing the winch, giving it 11 slack. I was pulling the wire, yanking it, trying 12 to get it untangled from inside the winch because it 13 was all fouled up. When wire goes bad, you know 14 when wire goes bad. 15 Q Who had last used that winch, if you know? 16 A Last time it was used was the other crew 17 before we got on. 18 Q When had that winch -- strike that. When 19 had that wire been last inspected? 20 A That I don't know. The records -- 21 Q If it's a bad wire, it's supposed to be 22 replaced? 23 A Yes. 24 Q And if it's a bad wire, one of your jobs, 25 if you see a bad wire, is you're supposed to replace</p>	<p style="text-align: right;">207</p> <p>1 sure who exactly does it, but I know the barge 2 itself gets charged for that wire. 3 Q Do you know what the audit list is? It's 4 called a Vessel Tier 1 Audit Checklist. Do you know 5 what that is? 6 A I'd have to see it again to remember. 7 (Defendant's Deposition Exhibit 8 7 marked for identification.) 9 Q (By Mr. Massey) All right. I'm handing 10 you what's been marked as Exhibit 7. Can you 11 identify that exhibit or not? 12 A It looks familiar, yeah. 13 Q Read the top of it. What does it say? 14 A Marine - Vessel Tier 1 Audit Checklist. 15 Q My question is, can you identify that 16 exhibit? 17 A It looks familiar. 18 Q Do you ever -- strike that. When you were 19 on the vessel, were you ever charged with the 20 responsibility of checking any of the information, 21 putting check marks? 22 A Actually, one person is put in charge of 23 it. They pick it out of the blue. Usually it's a 24 mate. But every once in a while -- I've done -- I 25 don't know if it was that exact one, but I remember</p>
<p style="text-align: right;">206</p> <p>1 it? 2 A Correct. 3 Q Do you know when the last audit was on 4 this particular wire? 5 A I have no idea. Whenever a barge -- the 6 boat orders the wires. They keep it on the boat. 7 This is an expense thing from what I understand. 8 Once the barge needs a wire, they give that wire to 9 the barge. They put it on, take the old wire out, 10 tie it up, put it up where the trash is because it 11 has to be sent off specially. And that barge gets 12 charged like a boat or anything for that wire. Each 13 barge -- it has to be put in the paperwork somehow 14 by either the mate or captain, I'm not sure. It has 15 to be charged. 16 Q All of what you just said about charging 17 and putting in the work order, that's not part of 18 your job at all, is it? 19 A My job is just to check and replace the 20 wire. 21 Q Okay. If you see something that needs 22 replacing, part of your job duty is to make sure 23 it's replaced? 24 A Report it, the mate does the thing, gets 25 the paperwork done or the captain does it, I'm not</p>	<p style="text-align: right;">208</p> <p>1 doing barge checklists before a few times. And it 2 was done online because we had to do it via 3 computer. 4 Q Looking at this exhibit, can you tell if 5 any of those check marks are yours or not? 6 A No, we didn't do any check marks. Whoever 7 check marked it is the one that signed it. We go 8 out, do the barge inspections with the person. Say 9 it was -- just for instance, say it was Dane and me 10 and other mates. We'd go out, or the crew, we'd go 11 out there, do the inspections throughout the whole 12 barges. If it doesn't get finished that day or 13 whatever, we do it the next watch or whatever until 14 it gets finished. Once it gets finished, the mate 15 or whoever is in charge of doing that signs it and 16 checks it all off. 17 Q But between the time you board this vessel 18 and the time of your incident, you would have dealt 19 with this very wire yourself? 20 A No, because it was already laid. 21 Q Okay. So that wire would not have been 22 touched since it left Louisiana until it got up to 23 the lock? 24 A Considering how wild the Mississippi is, 25 that wire would not have been touched, would not</p>

<p style="text-align: right;">209</p> <p>1 have been dealt with until after the fact. It 2 should have been changed before they left. Because 3 by doing so, if anything gets into any type of 4 current or anything, it could break them barges 5 away. 6 Q Okay. So what you're saying is that from 7 the time you got on the boat until the time you 8 dealt with it there, you don't think the wire had 9 been used at all other than -- it hadn't been 10 rearranged in any kind of way? 11 A The wire had been used all the time. But 12 the wire was laid -- 13 Q But I mean it hadn't been relayed. The 14 winch hadn't been brought out with more wire and 15 brought back in to use it? 16 A Only thing we do is tighten them up. 17 Every once in a while we have to go out there and 18 tighten the winches up because they get slack in 19 them. 20 Q Okay. So had you tightened this very 21 winch before on this trip? 22 A I don't remember if I tightened that one 23 or not. Sometimes I take the left side, the mate 24 may take the right. It all depends. 25 Q But this shows that in Exhibit 7 that this</p>	<p style="text-align: right;">211</p> <p>1 A Yes, after I got it off the timberhead. 2 Q And who did you hand it to? 3 A I'm not one hundred percent sure, but I 4 believe it was the mate. But there was other 5 deckhands and people around the same area. 6 Q In the process of handing the wire to 7 someone, is that when you hurt your back or do you 8 remember? 9 A After everything was being rushed and said 10 and done, after everything was laid, we had a minute 11 to stand there. It was done. Everything -- not 12 everything was done, but pretty much it was pretty 13 safe because the head was laced in, we got the 14 middle laced in, tightened up. I guess adrenaline 15 started coming down. That's when my back started 16 killing me, after pulling that wire and everything 17 else. 18 Q Were you already inside the boat before 19 your back started killing you and hurting? 20 A No, I was outside already. 21 Q Had you already handed the wire? 22 A Yes, it was after that. 23 Q So it was after that that it happened? 24 A Yes. 25 Q As you handed the wire, do you remember</p>
<p style="text-align: right;">210</p> <p>1 wire and the wires were inspected six days before 2 the incident and found to be in good condition. My 3 question is, did you participate in that inspection 4 or do you remember? 5 A I don't remember participating in that. 6 Whoever did it could have possibly pencil whipped 7 it. I've seen people do that. 8 Q What's pencil whip mean? 9 A Just go down and check it and don't want 10 to change a wire because it's labor-intensive, being 11 lazy. 12 Q Have you done that yourself? 13 A No. 14 Q You'd never do that? 15 A No, I wouldn't do that. If it needed to 16 be change, it needed to be changed. 17 Q So did you remember inspecting it 18 yourself? 19 A I don't remember any of that. 20 Q So I think you described a situation where 21 in order to get some slack that you were pulling on 22 the winch to get the wire out. 23 A Yes. 24 Q And after you did that, did you hand the 25 wire to someone?</p>	<p style="text-align: right;">212</p> <p>1 how you handed the wire, how your body was 2 configured? 3 A I don't remember. 4 Q Did you have to bend in order to get the 5 wire to hand it to someone? 6 A I know I had to bend overhanded because I 7 was gapped out. 8 Q Did you bend over properly? 9 MR. O'BRYAN: Objection, what does 10 properly mean? 11 Q (By Mr. Massey) However you determine. 12 I'll re-ask the question. Do you think that you 13 bent over properly to handle the wire? 14 A Properly to me? 15 Q Yes, sir. 16 A Whatever is proper to me, yeah, I believe 17 I did what I did properly. 18 Q Okay. Tell me exactly how you bent to 19 hand the wire. 20 A Bend over and hand them the wire. 21 Q Did you bend your knees? 22 A Didn't have to bend the knees once it was 23 taken off. You hand the wire. 24 Q Did you -- so you didn't bend your knees 25 at all?</p>

<p style="text-align: right;">213</p> <p>1 A Not when I handed him the wire.</p> <p>2 Q When you took it off, did you bend the</p> <p>3 knees?</p> <p>4 A Yes.</p> <p>5 Q When you handed it, did you bend your</p> <p>6 knees?</p> <p>7 A I was standing up when I handed it to him.</p> <p>8 Q Okay. Were you -- did you hand it</p> <p>9 properly in your judgment?</p> <p>10 A Yes. I handed it with two hands to him.</p> <p>11 Q Okay. How did the weather cause you to</p> <p>12 hand it in a way that was different than the way you</p> <p>13 would normally hand it?</p> <p>14 A Because the weather was 50 plus mile an</p> <p>15 hour winds, rain coming out of the side, lightning</p> <p>16 going on, the captain telling us to hurry up, lace</p> <p>17 it in, hurry up, keep going, so therefore my legs</p> <p>18 had to be spread apart a little differently.</p> <p>19 Everything had to be done just a little bit</p> <p>20 differently.</p> <p>21 Q And so doing it differently, did that</p> <p>22 cause you to get hurt in any way, or do you know?</p> <p>23 A More than likely, yes, everything there.</p> <p>24 Q How did that cause you to get hurt, is</p> <p>25 what I'm trying to find out.</p>	<p style="text-align: right;">215</p> <p>1 Q All right. If the witnesses that saw you</p> <p>2 do whatever you were doing say that you were lifting</p> <p>3 improperly, would you dispute that?</p> <p>4 MR. O'BRYAN: I'll object to what</p> <p>5 improperly means.</p> <p>6 Q (By Mr. Massey) Go ahead, sir.</p> <p>7 A I don't know.</p> <p>8 Q Okay.</p> <p>9 A I don't know -- I mean --</p> <p>10 Q That's fair. You wouldn't know one way or</p> <p>11 the other?</p> <p>12 A I don't know if I would object or if -- I</p> <p>13 don't know.</p> <p>14 Q All right.</p> <p>15 A Because I had to do what I had to do in</p> <p>16 order to be safe.</p> <p>17 Q Describe how the wire was fouled as best</p> <p>18 you're able to. You say it was fouled. Describe.</p> <p>19 A Kinked up inside the winch, kinked up</p> <p>20 around the timberhead itself. I had to pop it off</p> <p>21 and yank it so hard. There's times you have to</p> <p>22 take -- I've done this personally. There's times</p> <p>23 you have to take a cheater bar, they call it, it's a</p> <p>24 bar that you put in the winch to tighten it down,</p> <p>25 and beat a freaking wire to get it undone. It was</p>
<p style="text-align: right;">214</p> <p>1 A Being rushed, being out there in the</p> <p>2 weather, the wind knocking us, so we had to stand</p> <p>3 different, do everything differently in order to</p> <p>4 keep from being knocked off, the wind blowing us</p> <p>5 into the river, or anything bad happening or</p> <p>6 knocking over, hitting my head on the ground.</p> <p>7 Q Okay. How did that cause you to get hurt?</p> <p>8 A I'm not understanding.</p> <p>9 Q Did something happen to cause you to get</p> <p>10 hurt? And if so, tell me what it was.</p> <p>11 A Are you saying did something fall from the</p> <p>12 sky and hit me?</p> <p>13 Q No. You said you didn't slip, trip or</p> <p>14 fall.</p> <p>15 A No, I did not.</p> <p>16 Q And you said that you handed the wire</p> <p>17 properly in your opinion.</p> <p>18 A Yes.</p> <p>19 Q So the handing of the wire didn't cause</p> <p>20 you to get hurt?</p> <p>21 A I don't know.</p> <p>22 Q Okay. You don't know whether that did or</p> <p>23 not?</p> <p>24 A It was the combination of everything</p> <p>25 there.</p>	<p style="text-align: right;">216</p> <p>1 that close to being that, trying to get it undone.</p> <p>2 Q Let me make sure I understand. Before you</p> <p>3 did anything with the wire and before anything was</p> <p>4 done with the winch, the wire was tight inside the</p> <p>5 winch and wrapped around the fittings on the</p> <p>6 Marathon barge?</p> <p>7 A When we got on the boat, everything was</p> <p>8 laid, tied up, everything done.</p> <p>9 Q Now, something had to be done to put slack</p> <p>10 in that wire so you could do something with it to</p> <p>11 put it on the fitting of the fleet barge.</p> <p>12 A Yes.</p> <p>13 Q Who did something with the winch, if you</p> <p>14 know?</p> <p>15 A One of the other deckhands. We already</p> <p>16 went over that.</p> <p>17 Q They loosened the winch?</p> <p>18 A One of the other deckhands loosened it.</p> <p>19 Q And you say you then held the wire to pull</p> <p>20 from the winch. Is that what you say you did?</p> <p>21 A Yes. I grabbed the wire and pulled it out</p> <p>22 from the winch.</p> <p>23 Q Okay. When you -- when the tension was</p> <p>24 let off the winch, did the wire move or did it stay</p> <p>25 still?</p>

<p style="text-align: right;">217</p> <p>1 A The wire was fouled up inside. When he 2 stopped wheeling, it stopped. You couldn't do 3 anything. You had to yank it. 4 Q So he took the dog off the winch to let 5 slack in it and the wire didn't move? 6 A Actually, he tightened the brake up, undid 7 the dog, took the brake and loosened the brake and 8 it started spinning undone. And it got caught. He 9 started winching it. 10 Q Okay. So when whoever it was did 11 something with the winch, disengaged the dog, you're 12 saying the winch moved a little bit? 13 A Yes. They always do when they are that 14 tight. 15 Q That's normal for them to move? 16 A Yes. 17 Q It stopped at some point, you say, and got 18 caught? 19 A Yeah. It was fouled up inside. 20 Q Okay. So it moved a little, stopped at 21 some point. Then you did something with the wire? 22 A The guy started unwinding it real hard. 23 I was yanking the wire while he was -- 24 Q I gotcha. Now, when you were yanking real 25 hard, you didn't slip, trip or fall?</p>	<p style="text-align: right;">219</p> <p>1 Q About how far? 2 A I couldn't tell you. 3 Q Five feet, ten feet, twenty feet? You 4 don't have any estimate? 5 A I couldn't tell you. 6 Q All right. So how did you position your 7 body to pull the wire out of the winch? Tell me how 8 you did that. 9 A I stood next to the winch -- or not -- 10 next to the wire. The winch was probably about 11 eight, nine, ten feet, somewhere around there. He 12 undid the winch. The wire started coming out. I 13 grabbed the wire once it was undone. 14 Q Did you bend your knees? 15 A I started yanking on it, like I stated 16 before. 17 Q Did you bend your knees as you pulled on 18 the wire? 19 A I bent down. I had to stand with my feet 20 apart. I squatted down the way I had to do to keep 21 from being blown over. 22 Q Did you bend your knees? 23 A Yes. 24 Q And that's the proper way to do it? 25 A It was a little bit different. But yeah,</p>
<p style="text-align: right;">218</p> <p>1 A No. 2 Q And didn't hurt your back doing that? 3 A It hurt afterwards. Everything adrenaline 4 like I stated before. 5 Q Okay. That's normal activity of a 6 deckhand is to pull out the wire from the winch, 7 isn't it? 8 A Not that bad. Not in that -- 9 Q Aren't you taught how do that? How do you 10 normally do that? 11 A What do you mean? You pull the wire. 12 Q Okay. How do you position your body to 13 pull the wire out of the winch? Tell me how you do 14 that. 15 A Depends on your left hand or right hand. 16 You stand to the side of winch wire after it's 17 undone because you can't pick it up because it's so 18 tight. It's a single part wire. You grab the wire 19 and you start pulling. You don't have to pull that 20 hard on a good wire. All they do is winch it. I 21 mean, my ten-year-old son could pull the wire. 22 Q How much wire did you have to get off the 23 winch in order to make the fitting on the other 24 barge? 25 A I couldn't tell you how many.</p>	<p style="text-align: right;">220</p> <p>1 I had to bend a little bit. I mean, you had to bend 2 a little bit different because the weather. 3 Q So you bent your knees, you pulled the 4 wire, you got the wire, and then you handed the wire 5 to somebody? 6 A Yes. 7 Q Did you stay in the same position 8 generally or location on the barge? 9 A When I pulled it off the timberhead the 10 other barge was right here, two barges butted up. 11 Q So you didn't have to change your 12 position, you just pulled it out and -- 13 A No, if you're in the middle, you pulled 14 it. Once everything got done, you walk over to 15 where the timberhead is at, try to yank it some more 16 because it's fouled up in there, yank it and finally 17 get it off. 18 Q Okay. Were you handling the bite of the 19 wire or the eye of the wire? 20 A The bite. 21 Q So you were giving a person the bite of 22 the wire? 23 A Yes. I would stay on the timberhead. He 24 would lay the bite on the other barge. 25 Q In that process then, he got it on the</p>

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1 timberhead and then the winch was tightened up and
2 that was it?

3 A Pretty much, yes.

4 Q All right. You don't remember who you
5 handed the wire to?

6 A Not one hundred percent sure if it was
7 Dane or not. I know there was other people,
8 other -- like I said, we lay the wire. We look at
9 the other crew. Not the other crew, but the harbor
10 boats or whatever, whoever is going to be in charge
11 of that. How he wanted it laid, do you want
12 anything special. Sometimes they lay it
13 themselves. Sometimes we lay it. Sometimes we
14 split the work. Okay, we lay it this way. Pretty
15 much after we get done laying them, getting them
16 laced in, it's their responsibility because we are
17 laced in, it's their --

18 Q Whenever you were pulling the wire out of
19 the winch and handing it to whoever you handed it
20 to, Dane and the other crew member off the Marathon
21 boat were within arm's length of one another because
22 you handed it to the whoever you handed it to?

23 A I handed it to Dane. I don't remember --
24 I remember the other crew from the other harbor boat
25 being on that other barge, their barge.

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1 accomplished?

2 A We tied in the head, we tied in that one.
3 That one was the one that started the problem, the
4 middle, and went to the stern. I'm not sure if they
5 started the stern and we watched them or if we
6 finished it up. I can't remember.

7 Q You don't remember if this was the last
8 one you were working on or the middle?

9 A No. I just remember that one because of
10 how bad it was.

11 Q For sure at least one place had already
12 been tied off, perhaps two, before you were working
13 in the area you --

14 A One for sure was tied off. The second one
15 was being tied off, and that's why I remember how
16 bad it was. That's the reason I remember it. And I
17 remember my back hurting because I was walking back
18 towards the boat. We had 300 feet to go or 290,
19 whatever the barge length is. We were right there.
20 I went straight back to the boat because of how bad
21 my back was hurting.

22 Q So you continued to do all the tie-offs,
23 and it was on your way back to the boat that your
24 back began to hurt?

25 A We didn't do any other tie-offs except for

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1 Q I'm asking you about your crew. At the
2 time you pulled the wire, the wire came out of the
3 winch, and you handed it to whatever you handed it
4 to, your crew, you, Dane and the other deckhand,
5 were within arm's length of each other. Is that
6 true?

7 A I couldn't tell you exactly how many feet
8 away or how far away we were. I remember the boat
9 was widening out because we only had the head wire
10 on. It was widening out.

11 Q But you had to be close to him to hand it
12 to him. So weren't you --

13 A We could have been this far away and me
14 just handing it over to him. I couldn't tell you
15 how many feet, if it was close together or not.

16 Q Listen to my question. At the time you
17 had the wire and you handed it to whoever you handed
18 it to, you and that person and the other crew member
19 were within arm's length of one another?

20 A I don't know. I couldn't tell you how far
21 away that other crew member was, if he was sitting
22 by the winch. I couldn't tell you.

23 Q All right. By the time you did that, what
24 we just described, handing that wire, the other two
25 places that you tied in had already been

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1 laying that wire. The other harbor boats did all
2 the other tie-offs or did whatever they needed to
3 do.

4 Q So whatever it was, you and your crew had
5 finished its work and then that's when you began to
6 experience some back pain?

7 A While I was out on the barges, yes.

8 Q But as you had finished all your work?

9 A Yes.

10 MR. MASSEY: Why don't we take a break
11 then and get some lunch.

12 (Off the record.)

13 Q (By Mr. Massey) Okay. We're back on the
14 record, Ryan. Do you have an estimate, Ryan, about
15 how long the whole process of landing the fleet and
16 tying off took?

17 A No, I don't have any estimate on that.

18 Q You talked a lot about rushing.

19 A Yes.

20 Q Did rushing make it go faster, the whole
21 process, or not?

22 A Each tie-off is different. Him trying to
23 get it in there because of the weather could have
24 made it longer than a normal tie-off.

25 Q Are you able to say if the rushing changed

<p style="text-align: right;">225</p> <p>1 the time at all in your judgment?</p> <p>2 A There's a possibility.</p> <p>3 Q Possibility of what?</p> <p>4 A It could have changed the time. It could</p> <p>5 have made it faster. I don't know.</p> <p>6 Q Do you have a view on it? You don't know</p> <p>7 one way or the other?</p> <p>8 A I mean, there's a lot of factors that come</p> <p>9 into play.</p> <p>10 Q So do you have a view one way or the</p> <p>11 other?</p> <p>12 A No.</p> <p>13 Q Do you have a view of whether or not any</p> <p>14 of the other crew members were rushing?</p> <p>15 A Yes. They all were.</p> <p>16 Q Was the Lewis & Clark people rushing as</p> <p>17 well?</p> <p>18 A Oh, yes. They didn't want to be out there</p> <p>19 any more than we did.</p> <p>20 Q Describe for me the weather from the time</p> <p>21 you went out to do the tie-off until you went back</p> <p>22 in. Did it stay the same, did it get worse, did it</p> <p>23 get better, did it get worse and then get better?</p> <p>24 How would you describe it?</p> <p>25 A It started raining, spitting like normal.</p>	<p style="text-align: right;">227</p> <p>1 A I thought we were. I'm not sure one</p> <p>2 hundred percent. We were just told we couldn't load</p> <p>3 because the weather.</p> <p>4 Q Okay. So the only lightening you saw, you</p> <p>5 said one time, and it was far off. Is that what you</p> <p>6 said?</p> <p>7 A Just glanced. I was too busy paying</p> <p>8 attention.</p> <p>9 Q But that's the only time you saw the</p> <p>10 lightening was the one time, and you thought it was</p> <p>11 far away?</p> <p>12 A I didn't pay any attention to any other</p> <p>13 time. I was too focused on --</p> <p>14 Q Can you describe it in any other way than</p> <p>15 you've just described?</p> <p>16 A No.</p> <p>17 Q You said it was a cold rain?</p> <p>18 A It was stinging and it was kind of cold,</p> <p>19 yeah.</p> <p>20 Q You went in the vessel then?</p> <p>21 A Yes.</p> <p>22 Q And you changed your clothes?</p> <p>23 A Yes.</p> <p>24 Q Tell me what you did after that.</p> <p>25 A I sat down, ended up rubbing some muscle</p>
<p style="text-align: right;">226</p> <p>1 That was the beginning of it. Then the weather</p> <p>2 increased. While we were tying off, it got really</p> <p>3 bad. The rain was blowing sideways, 50-mile an hour</p> <p>4 gusts. Lightening was happening. Eventually, after</p> <p>5 a while, it tapered off, of course, after the rain.</p> <p>6 Q Did it taper off before you went inside?</p> <p>7 A No. It was still going.</p> <p>8 Q So it was still going on when you went</p> <p>9 inside?</p> <p>10 A Yes.</p> <p>11 Q So what you've just described was as you</p> <p>12 ended the fleet tie-off that's the way it was</p> <p>13 when --</p> <p>14 A It was still raining real hard as we went</p> <p>15 inside.</p> <p>16 Q You said it was lightening. Was the</p> <p>17 lightening far away, close? How would you -- how</p> <p>18 would you describe it?</p> <p>19 A I remember seeing a glance of lightening</p> <p>20 far away, but I don't know the exact mileage away.</p> <p>21 I know it was close enough that the fleet was shut</p> <p>22 down, we couldn't load. Or not fleet, but the</p> <p>23 Marathon dock, the loading dock.</p> <p>24 Q Do you know if you were scheduled to load</p> <p>25 that time or not?</p>	<p style="text-align: right;">228</p> <p>1 rub on my back trying to help it, seeing what was</p> <p>2 going on. I asked Dane if he had -- Dane, Dean --</p> <p>3 was it Dane, the mate?</p> <p>4 Q I think it was Dane.</p> <p>5 A Asked him if he had anything because he's</p> <p>6 into weightlifting and all this other stuff</p> <p>7 supposedly. I said, do you have anything like</p> <p>8 aspirin or anything like that? Because the boat</p> <p>9 aspirins usually don't work. It's kind of like a</p> <p>10 generic that they have in like a little first aid</p> <p>11 kit. I asked if he had any Tylenol or anything</p> <p>12 else. He said, no, I don't have anything like that.</p> <p>13 I said okay.</p> <p>14 He said, is your back still hurting you?</p> <p>15 I said, yeah, pretty bad. He goes, well, wait and</p> <p>16 see. I said, well, maybe after I take this nap, I'm</p> <p>17 off for six hours, maybe it will get a little</p> <p>18 better. Maybe I just pulled something. I don't</p> <p>19 know what's going on, but it's hurting pretty bad.</p> <p>20 I woke up, went downstairs, it was still hurting,</p> <p>21 reported the incident.</p> <p>22 Q When did you first report the incident as</p> <p>23 an injury to anyone?</p> <p>24 A He asked what was wrong halfway through</p> <p>25 because I stopped.</p>

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1 Q Halfway through the process?
2 A When I first got up after grabbing the
3 wire, pulling it, having to spread my legs because
4 of the wind, bending over from my waist, pulling it,
5 got done yanking it over to him because of the
6 weather, handed it to him or one of the other guys,
7 I had to -- I didn't have to. I gave it to him.
8 The guy was taking up the slack on the winch. I
9 stood up, walked over a little bit. The barge's
10 width is about 50-foot. About halfway of that, so
11 about 25 roughly, give or take, quite a few feet,
12 walked over there. I was like pretty much like,
13 something ain't right. He said, what's wrong? I
14 said, I don't know, it's just starting to hurt real
15 bad.
16 Q Who were you saying that to?
17 A Dane.
18 Q So you and Dane were still close to one
19 another?
20 A It was already laid, everything was
21 tightened up, we were starting to walk.
22 Q After everything had been done?
23 A Yeah.
24 Q Was that all that was said, what you just
25 said?

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1 A I just told him my back was starting to
2 hurt. I said, something is tightening up, it don't
3 feel right. I walked halfway, 150 foot, made it
4 halfway, had to stop. He was like, it's still
5 hurting? What's wrong? I said, I don't know. It's
6 just starting to hurt even worse. I said, maybe
7 it's just something I pulled. I don't know what's
8 going on.
9 I said, everything being rushed, I said
10 I -- he goes, did something hit you? I said, no, I
11 don't know. I said, I was pulling the wire, doing
12 all that stuff. I said, you know about the weather
13 and everything. And we were talking about it. I
14 had to stand there for a minute. We went back to
15 the boat, got there, changed clothes.
16 And basically, like I stated before, I put
17 some muscle rub on it thinking maybe it was just a
18 little pull, something wasn't right, because of the
19 way I had to stand and bend over from the waist to
20 get it knocked over and pulling the winch and
21 everything because of the weather. I said, I don't
22 know. I said, it's starting to hurt really bad. He
23 goes, well, just give it until next watch. Maybe
24 after you have bed rest it may be a little better.
25 If it's still the same or worse, we'll go up to the

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1 wheelhouse and report it.
2 Q This is still Dane you're talking about?
3 A Yes.
4 Q So are you supposed to report the incident
5 to a captain if you have an accident?
6 A Yes.
7 Q And so you still hadn't done that at that
8 point?
9 A Not instantaneous.
10 Q So when did you report it to the captain
11 like you're supposed to?
12 A At the beginning of the watch, as soon as
13 we went upstairs.
14 Q The next day?
15 A It wasn't the next day. I think it was
16 the same day because it's only six hours later. We
17 rotate six and six.
18 Q So you think it's the next time that you
19 would have come back on watch?
20 A We went off watch. Six hours of sleep.
21 Actually less than that. But we were off for six
22 hours. I came back on.
23 Q And that's when --
24 A That's when we walked upstairs.
25 (Defendant's Deposition Exhibit

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1 8 marked for identification.)
2 (Defendant's Deposition Exhibit
3 9 marked for identification.)
4 (Defendant's Deposition Exhibit
5 10 marked for identification.)
6 Q (By Mr. Massey) Okay. I'm going to hand
7 you here what's marked 8, 9 and 10, and they are --
8 I think they are your reports of an injury, and it's
9 the next day. So did you report it the next day?
10 Is that what you did?
11 A It should be the same day.
12 Q Take a look at that, those Exhibits 8, 9
13 and 10.
14 A Because it was only six hours later from
15 when the incident happened. Actually, a little bit
16 more than that if you want to count sitting on the
17 couch a little bit after we tied off.
18 Q Can you identify those Exhibits 8, 9 and
19 10?
20 A Look like reports. Some of them look like
21 the captain filled out. Looks like parts of mine.
22 Q Okay. I just wanted to show them to you
23 in advance. Looking at Exhibit 8, is any part of
24 Exhibit 8 your writing?
25 A It looks similar to my writing.

<p style="text-align: right;">233</p> <p>1 Q What on Exhibit 8 is your writing? 2 A Signature looks like mine. 3 Q Signature is yours? 4 A Yes. 5 Q That's signed 08/28? 6 A 08/28/14, okay. 7 Q That's the day after the incident? 8 A Might have been. I just -- I asked them 9 what day it was and they told me what to put down. 10 Q Do you think that's the wrong date or do 11 you think that's the correct date? 12 A Right now, two years later, I don't 13 remember exactly. It was right around that. I just 14 remember the incident happening, and six hours later 15 after sleeping I walked up there and did that. So 16 it depends on what time it was. 17 Q You filled out the report? 18 A Yes. 19 Q Is all this writing on that whole exhibit 20 yours or not? 21 A Looks like my writing. 22 Q It says -- it talks in third person, saw 23 him taking off wire around the button, hand wire to 24 mate. Is that your writing? 25 A 08/28 is when it was signed. That's when</p>	<p style="text-align: right;">235</p> <p>1 attempt to describe what happened? 2 A I was in so much pain. I just wrote down 3 what I wrote down. I put down -- I guess, if that's 4 my writing, taking off wire, that's what happened. 5 Q Okay. Have a seat if you want to, or 6 stand up if you want to. 7 A I'll stand for a while. 8 Q Looking at Exhibit 9 -- look at Exhibit 9, 9 it's one page, and see if there's any of your 10 writing on that page. 11 A I don't know about the date. The 12 signature looks similar, the name right there and 13 the deckhand. The phone number. It looks like the 14 captain or somebody filled that out. 15 Q Look down at line 16. You see that line 16 16? 17 A Yeah. 18 Q Is that your signature or not? 19 A Looks like it. 20 Q And it says in 16, I have answered the 21 above questions to the best of my knowledge. 22 A Okay. 23 Q So is the information in 12, is that 24 accurate based on what you said or not? 25 A That was part of it, yes. Took wire off</p>
<p style="text-align: right;">234</p> <p>1 it had to be signed. 2 Q Look at the place where it says describe 3 the injury or whatever. 4 A Oh, I don't know. I don't know if that 5 was mine or -- it's supposed to be mine, I believe. 6 Q That's what I asked. On Defendant's 7 Exhibit 8, is all the page your writing? 8 A It looks like it. It looks similar. I 9 can't tell definitively. 10 Q Okay. But you think it is? 11 A It looks similar. I can't tell -- 12 Q Okay. It says, if you witnessed the 13 incident, describe what you saw. And it says, saw 14 him taking off wire around the button. 15 A I was in so much pain. 16 Q Hand wire to mate. 17 A I was in so much pain. I just wrote it 18 out real quick and wanted to get to the doctor. But 19 they didn't do that. 20 Q Okay. But you think Exhibit 8 is yours? 21 A Possibly. 22 Q All right. Did you attempt to describe 23 what happened? 24 A Whatever I wrote down. 25 Q Okay. Listen to my question. Did you</p>	<p style="text-align: right;">236</p> <p>1 timberhead. 2 Q Handed it to mate? 3 A Handed it to mate. That was part of the 4 incident. They never asked about the weather, never 5 asked about what was being said. I was pulling on 6 the wire, taking it off. 7 Q Has anything other than -- strike that. 8 Is line 11 and 12, is that your writing, or can you 9 tell? 10 A It looks like my writing. 11 Q So anything other than the signature and 12 line 11 and line 12? 13 A Number 16 signature looks like mine. 14 Number one and number two, the name and home address 15 and the birth date. 16 Q Look at line 17. Is that your writing 17 down there on line 17? 18 A It looks like it, yeah. 19 Q And that says completed by, and then in 20 parentheses, if other than the above person, closed 21 parentheses, and it's got your name. So does that 22 mean you completed the whole form? 23 A No, because you can tell the different 24 signatures or different writings. 25 Q So tell me on this exhibit that you have</p>

<p style="text-align: right;">237</p> <p>1 in front of you what's not your writing. 2 A I can tell you what writing looks 3 different. Number 6, number 7, number 8, number 9, 4 number 10. You can tell those. Number 15. 5 Q And so -- 6 A Number 5 on the very bottom, section II, 7 number 4. 8 Q On section II. 9 A At the very bottom. 10 Q Right. 11 A Those had to be filled in after the fact. 12 Q Okay. So other than those, everything 13 else appears to be yours? 14 A This thing looks similar. You can tell 15 the different -- 16 Q Okay. Look at where on 4 it says, what 17 steps were taken to prevent a recurrence? Proper 18 lifting, bend with knees. Were you told or did you 19 think that the reason you got hurt is that you did 20 not engage in proper lifting because you didn't bend 21 your knees? Is that what you think? 22 A I bent my knees and bent from the waist 23 down because I had to because of the weather. 24 Q How did the weather cause you to have to 25 bend from your waist down?</p>	<p style="text-align: right;">239</p> <p>1 bent to hand the wire, did you do it properly? 2 That's all I'm asking. 3 A What's considered properly? 4 Q You're the deckhand that's got six years' 5 experience. Based on all of that, when you handed 6 the wire and you bent from your waist, was that a 7 proper way to do it? 8 A I did what I could do safely, what I had 9 to do in order to get the job done. 10 Q Was that proper or not? 11 A That's what I had to do. 12 Q So do you know if it was proper or not 13 based on your policies, procedures, safety rules, 14 etcetera? 15 A I don't know the policy and procedure for 16 that part. 17 Q How about Exhibit No. 10. Look at that 18 and see if any of that is your writing. 19 MR. O'BRYAN: You have an extra copy of 20 that one? 21 MR. MASSEY: That might be. 22 Q (By Mr. Massey) Looking at 10, is any of 23 that your writing? 24 A The name, employee number -- it looks like 25 it.</p>
<p style="text-align: right;">238</p> <p>1 A As I stated previously over time again and 2 again, the weather was over 50 miles an hour. You 3 had to spread your legs apart and get them just 4 about right so you don't get knocked over and 5 knocked into the river, because you're on the edge 6 working. 7 Q How does spreading your legs apart cause 8 you to have to bend from your waist? 9 A Can you stand up at 50-plus mile an hour 10 winds straight and put your legs together without 11 getting knocked over? 12 Q Can you just answer my question. 13 A No, you can't. That's what I'm answering. 14 You have to spread your legs, steady yourself, bend 15 a little bit from the knees. You can't bend too 16 much. You have to bend over from your waist in 17 order to pick it up. 18 Q Okay. So when you bent from your waist to 19 hand the wire, did you know that that wasn't the 20 proper way to do it? 21 A What technically would you consider 22 properly? 23 MR. O'BRYAN: Object to the conclusion in 24 your question as to whether or not it's proper. 25 Q (By Mr. Massey) I'm asking you. When you</p>	<p style="text-align: right;">240</p> <p>1 Q How about -- 2 A I can't confirm or deny the exact -- 3 Q I don't expect you to confirm or deny it, 4 Mr. Ruddell, based on some of your testimony. Can 5 you tell me if the signature is yours? 6 A Yes, it looks like it. 7 Q All right. So you can definitely say the 8 signature is yours? 9 A Yes, but it looks like other things were 10 added to it after the fact. 11 Q Okay. What is not your writing on 12 Exhibit 10? 13 A List any witnesses. All that's different 14 writing, handwriting. 15 Q Okay. 16 A On-site first aid treatment, that was all 17 different writing. Provided by, that's a different 18 writing. Was professional medical treatment sought, 19 that's different, that's not mine. Right below 20 that, the n/a is not mine. The ibuprofen and Bengay 21 is not mine right below that. The location, the 22 fleet Wood River was not mine. 23 Q Okay. 24 A It looks like somebody added pm to watch 25 start time and pm to watch -- or injury date and</p>

<p style="text-align: right;">241</p> <p>1 time. That was 6:45 pm. That sounds familiar. So 2 if the injury happened then, six hours later 3 technically would be the next day almost, but early 4 morning. 5 Q How about describe in detail your 6 activities immediately before the accident, tie off 7 barges, is that your writing? 8 A Where is it at? 9 Q It's in the middle of the page. Describe 10 in detail your activities immediately before the 11 incident. It says, tie off barges. Is that your 12 writing? 13 A Tie off barges, it looks like it. 14 Q Next paragraph, describe in detail how the 15 injury/illness occurred. Took wire off barges. Is 16 that your writing? 17 A Looks like it. 18 Q And down, it says, describe in detail the 19 part of your body affected. Lower back pain 20 radiates from lower back and side towards -- 21 A Into testicles. 22 Q Into testicles. Is that your writing? 23 A Looks like it. 24 Q How long ago was the vasectomy that you 25 had before this accident?</p>	<p style="text-align: right;">243</p> <p>1 A I don't know. I just remember it was a 2 female. 3 Q Was she from Evansville? 4 A The place I went was in Evansville, yes. 5 (Defendant's Deposition Exhibit 6 11 marked for identification.) 7 Q (By Mr. Massey) I'm handing you what has 8 been marked as Defendant's Deposition Exhibit 11. 9 Mr. Ruddell, you see that? 10 A Yes. 11 Q And what is that? 12 A Progress notes, it says. 13 Q I'm sorry? 14 A Progress notes, it says. 15 Q From who? 16 A Urological Associates, Incorporated. 17 Q Does that refresh your recollection as to 18 who did your vasectomy and when they did it? 19 A As far as who, I'd have to drive there 20 just to make sure. It sounds familiar. 21 Q Does that refresh your recollection as far 22 as when? It's got the date of April 22 on there. 23 A I guess. I don't -- where's the date at? 24 Q Flip to the last page. It looks like it 25 was actually done on 04/08.</p>
<p style="text-align: right;">242</p> <p>1 A Oh, Lord, I couldn't tell you. It's been 2 a long time. 3 Q Give me your best estimate. 4 A I'd have to get the paperwork to find out. 5 Q I've got the paperwork. What's your best 6 estimate of how long it was? 7 A I couldn't tell you. 8 Q You don't -- you can't give me the date of 9 that vasectomy? 10 A No, not without going to them and asking 11 them or looking on a calendar to find out exactly 12 when that appointment was. 13 Q Did you have complications from your 14 vasectomy? 15 A No. 16 Q Did you ever have any kind of concern that 17 the vasectomy and the aftermath of that would 18 interfere with your ability to do your duties as a 19 deckhand? 20 A No. After everything healed, it should 21 be. There was no problem after that. 22 Q Do you remember the doctor who did your 23 vasectomy? 24 A I just know she was -- it was a female. 25 Q Dr. Michelle Boger?</p>	<p style="text-align: right;">244</p> <p>1 A Okay. 2 Q Is that right? 3 A I couldn't tell you. I'd have to look at 4 my calendar to be able to tell you. 5 Q Do you dispute the fact that it occurred 6 on this date, April 8, 2014, which is what this 7 medical report from Dr. Boger indicates? 8 A I'd have to look at my calendar to be able 9 to tell you if it's right or not. 10 Q Okay. So you have a calendar some place 11 that would tell you all this? 12 A Either on one of my old phones where I 13 keep track of everything or maybe a calendar. I 14 keep track of dates of when I go to the doctor. I 15 just write down doctor as a reminder. 16 Q Okay. Was Dr. Yagodich -- 17 A Yagodich. 18 Q Was he involved? 19 A That's my family doctor. 20 Q Okay. Did he refer you to this Dr. Boger? 21 A I believe so. 22 Q This indicates that you had the surgery on 23 April 8. Is that true? 24 A Without looking at the calendar, I 25 couldn't tell you for sure.</p>

<p style="text-align: right;">245</p> <p>1 MR. O'BRYAN: What year is that, April 8th 2 of what? 3 THE WITNESS: He's saying 2014. 4 MR. O'BRYAN: Let me see that. 5 Q (By Mr. Massey) This report seems to 6 indicate that at that time you weighed about 7 245 pounds. Does that sound about right to you, or 8 do you dispute that? 9 A I guess. I mean, weight fluctuates, so I 10 don't know. 11 MR. O'BRYAN: 248 really. 12 MR. MASSEY: Well, it says 245 on 04/08. 13 There's several pages there, Dennis. 14 Q (By Mr. Massey) It looks like then after 15 04/08, you came back to see the doctor on April 14, 16 and you complained of swelling and pain and some 17 discharge. 18 A That was a normal checkup. She checked 19 the stitches on both sides to see how they were 20 doing and the swelling, see how it was. She asked 21 if -- how's the swelling doing? I said, it still 22 kind of hurts a little bit. She goes, that's 23 expected on that. It will be that way. 24 Q Okay. It was more than a normal visit 25 because she received a telephone call from you where</p>	<p style="text-align: right;">247</p> <p>1 Q In your testicles. 2 A Right now or back then? 3 Q Back then. 4 A I couldn't tell you back then. That was 5 two years ago. 6 Q This report seems to say that you 7 complained of constant grade five aches in both 8 testicles and the surrounding tissues, and that you 9 stayed on bed rest and not lifting objects and that 10 you told her at that time that you worked for 11 Marathon and you had to do heavy lifting. 12 A Yes, we had to do heavy lifting. 13 Q And then you talked about whether or not 14 you'd be able to return to work because you were 15 concerned regarding your slow healing. So that's 16 what you reported to her. 17 A Okay. 18 Q Is that true? 19 A I reported to her -- I said, I have 20 swelling here still. I said, is this normal? 21 Because she said most vasectomies, other people I've 22 heard from stated even, researching, you can go back 23 to work after -- I believe it's a week. 24 Q But you were concerned -- 25 A But I asked her about going back to work</p>
<p style="text-align: right;">246</p> <p>1 you were complaining of pain, swelling and discharge 2 from the incisions. You didn't go see a visit. You 3 called her complaining of those things, didn't you? 4 A I called her and asked her about it. 5 Q Yeah. 6 A I didn't complain about it. I asked her 7 about it. 8 Q I understand. 9 A Because she said the swelling would be 10 normal. They scheduled me a visit. They said, your 11 visit is on this day already. We'll go ahead and 12 keep it at that. 13 Q So you were having some problems from your 14 vasectomy? 15 A No. She said everything was normal. 16 Q Okay. But you thought enough so that you 17 called complaining of pain, swelling and discharge? 18 A Of course, when your testicles are 19 swollen. But she said it's normal. If you think 20 anything, of course you're going to call for the 21 least little thing to make sure your testicles 22 don't -- something don't happen bad. 23 Q Okay. How would you judge the pain on a 24 one to ten scale? 25 A Where?</p>	<p style="text-align: right;">248</p> <p>1 because I got it done at the very beginning of my 2 off hitch. I said, going back to work. She said, 3 well, do you do heavy lifting? I said yes. Well, 4 no, you can have the surgery, people go back to work 5 for desk work. You cannot do heavy lifting until 6 it's -- 7 Q But on this date of -- 8 A -- all healed up. 9 Q On this date of 04/14, you apparently 10 called her complaining about consistent pain that 11 was grade five level that was constant. And you 12 were concerned about your ability to go back to work 13 doing your deckhand work, weren't you? 14 A She said I had an infection, a slight 15 infection, it looked like. Just in case, she was 16 going to give me some antibiotics. 17 Q Okay. 18 A She said everything was normal other than 19 just a little infection. 20 Q Do you dispute the fact that you told her 21 that you complained of constant grade five and ache 22 in both testicles and that you were concerned about 23 being able to go back to work because of the slow 24 healing on 04/14? Do you deny that? 25 A I don't remember ever putting it in that</p>

<p style="text-align: right;">249</p> <p>1 term. 2 Q I didn't ask you if you remember it. 3 A I don't remember ever saying like that. 4 Q I said do you deny ever saying that to the 5 doctor? 6 A I don't remember ever saying anything like 7 that. 8 Q And further, when she asked about how long 9 the problem lasts, you said it was always there. 10 Did you say that or do you remember that? 11 A Always there before the treatment or after 12 or while the treatment? 13 Q I don't know. It's her records and you're 14 doing the talking. 15 A That depends on what the person's typing, 16 how they transcribe it. 17 Q Did you get better immediately then after 18 this April 14, or do you remember? 19 A It took right to the end. I went back to 20 work on the hitch on the boat and worked fine. I 21 don't remember the exact point in time it got 22 better. She took the stitches out. Everything 23 looked good. I ended up going back to the boat and 24 worked a normal job, lifted and everything. 25 Q After you reported these problems on</p>	<p style="text-align: right;">251</p> <p>1 Ryan. 2 A Okay. 3 Q So the answer to my question -- I asked 4 you, did you go back, and you said no. That was 5 wrong. You did go back? 6 A Well, obviously two years later I forgot 7 when exactly. 8 Q I understand. So now you have in front of 9 you an April 22, which is eight days later, report, 10 correct? 11 A Okay. 12 Q And you still were complaining of scrotum 13 pain since the vasectomy? 14 A I told her there was light pain there, 15 nothing -- 16 Q Her report says that you were generally 17 having a rough course with bilateral testicular 18 discomfort and swelling. You were started on an 19 antibiotic, scheduled to go back to work in a week, 20 and works on a barge with lots of heavy lifting. He 21 is a little concerned about this. 22 A Yeah. 23 Q You were concerned about being able to do 24 your job as a deckhand because of this surgery? 25 A I was making sure that I'd be able to do</p>
<p style="text-align: right;">250</p> <p>1 04/14? 2 A It eventually got better, yes. 3 Q Did you have any restriction after 04/14 4 that you remember? 5 A She just said no heavy lifting until -- I 6 forget her timeframe. But she said it took more 7 than a week, most people, only a week for office and 8 desk work. If you do heavy construction work, it 9 takes -- she goes, it could take about three to four 10 weeks. 11 Q So did it get better after this 04/14 date 12 or not? 13 A After this date, it started getting 14 better, yes. 15 Q Did you have to go see her again over it? 16 A No. 17 Q Okay. Well, there's another visit after 18 this where you did, in fact, even though you said 19 no. 20 A Was that for the stitches? 21 Q You did go back. And look at the note for 22 04/22. Do you see that? 23 A Which -- 24 Q You see the date of 04/22 over in the top 25 left-hand corner? It's probably on the first page,</p>	<p style="text-align: right;">252</p> <p>1 the job, making sure after the three to four weeks 2 was up I would be able to. 3 Q So in answer to my question -- 4 A So I asked her -- 5 Q -- after the vasectomy, you were concerned 6 at points about being able to go back to your work 7 to do the heavy work? 8 A I didn't want to be late to work. I 9 wanted to be able to show up on time. So I asked 10 her about it. That was my concern. If you don't 11 show or call in because of it, you get wrote up. So 12 I asked her, I'm a little concerned, is everything 13 going to be okay? It looks like it's gotten better, 14 but there's still a little pain. Everything is 15 looking fine, you're healing good. 16 Q I asked you earlier, as a result of the 17 vasectomy, was there ever a concern in your mind 18 about your ability to go back to work after the 19 surgery, and you said no. Now, in fact, when we 20 review these records, we see that the doctor 21 reported that you were concerned about the vasectomy 22 operation because you went back at least two times 23 with that concern because you were having 24 difficulties from the surgery. You were having a 25 rough course with the surgery, from the surgery?</p>

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1 A After the surgery, she told me to call her
2 if anything comes to mind. I called her, asked her.
3 Q So you, in fact, were concerned about your
4 ability to go back to work as a deckhand following
5 the surgery?
6 A I was concerned about my testicles more
7 than anything.
8 Q I understand that. But you were concerned
9 about your ability to do heavy work?
10 A No, because she took me off of heavy work
11 for X amount of days, like I stated before. You
12 can't do any lifting for three to four weeks,
13 whatever she stated to me.
14 Q Did you ever tell any of the doctors that
15 you saw later after this injury about the
16 difficulties you had following your vasectomy
17 surgery?
18 A They've asked me, did I have any
19 surgeries. I said a vasectomy and my ankle.
20 Q Did you ever tell -- listen to my
21 question. Did you ever tell any of the doctors
22 following your incident that you saw for your back,
23 did you ever tell them about the difficulties you
24 had from the vasectomy operation?
25 A No, because I don't believe there was any

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1 difficulties. Everything, she told me, was normal.
2 Some people have this. She said it's all part of
3 the healing.
4 Q So you didn't tell those doctors about the
5 vasectomy surgery complications?
6 A I told them about the vasectomy. They
7 could have looked it up.
8 Q Did you tell them about the complications
9 following the vasectomy surgery?
10 A I don't believe they were complications.
11 Q So the answer to the question, you didn't
12 tell them?
13 A I don't believe they were complications.
14 Q Did you ever tell them?
15 A No. I told them about the vasectomy.
16 Q Did you ever tell them you had problems
17 from the vasectomy surgery?
18 A I don't remember.
19 Q Did you ever tell any of those back
20 doctors about the fact that you had been treated on
21 at least two occasions by a chiropractor before you
22 saw them?
23 A I don't remember them chiropractors.
24 Q So you didn't tell the doctors about it?
25 A I don't remember them chiropractors.

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1 Q So you didn't tell any of the doctors --
2 MR. O'BRYAN: This is plowed ground.
3 You've already gone over this.
4 A You've already gone over it. I've already
5 told you this before.
6 Q (By Mr. Massey) Hey, you answer my
7 question.
8 A Hey, you respect me and don't talk to me
9 this way. I told you.
10 MR. MASSEY: We're going to stop the
11 deposition, Dennis, if -- you need to talk to him.
12 He needs to answer my questions because we will
13 adjourn and talk to Judge Wilkerson.
14 MR. O'BRYAN: I understand, but you've
15 asked the same question multiple times.
16 MR. MASSEY: We're not going to get done
17 if he continues to refuse to answer the questions.
18 I don't mind you qualifying and then me having to
19 bear down to get him to really answer. But if he's
20 not going to answer them, we've got a problem.
21 MR. O'BRYAN: All right. Just ask your
22 question.
23 Q (By Mr. Massey) My question is, did you
24 tell any of the doctors that you saw following your
25 injury that you're complaining about in this

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1 lawsuit, did you ever tell them that you saw a
2 chiropractor back in 2008?
3 A I don't remember going to any
4 chiropractor. So therefore, no, I don't remember
5 telling them anything about it.
6 Q All right. And they asked you
7 specifically about whether or not you had ever had
8 any back complaints, didn't they?
9 A Yeah, they asked me, do you remember if
10 you've had anything back complaint-wise.
11 Q And you never told them about seeing
12 Dr. Kerr. Is that right?
13 MR. MASSEY: Read back my question.
14 (The requested portion of the
15 record read by the reporter.)
16 A I don't remember Dr. Kerr.
17 Q (By Mr. Massey) Did you complete any other
18 reports following your incident besides the ones
19 that I've shown you here so far?
20 A I have filled out and gave you what I
21 remember. I don't know what you're getting at.
22 Q I showed you 8, 9 and 10, I think it was,
23 which are the incident reports. My question is, did
24 you fill out any more reports following the
25 incident?

64 (Pages 253 to 256)

<p style="text-align: right;">257</p> <p>1 A Not that I can remember.</p> <p>2 Q So you reported the incident at some point</p> <p>3 the next day, according to the report, to the</p> <p>4 captain?</p> <p>5 A Six hours later after, I reported it.</p> <p>6 Q Okay. Was in the morning, afternoon, or</p> <p>7 evening, or do you remember?</p> <p>8 A According to your Marathon Petroleum</p> <p>9 Company, LP marine boatcrew injury or illness</p> <p>10 report, injury time of accident 6:45. So six hours</p> <p>11 later than that, pm, so that's six hours later than</p> <p>12 that, so that would have been 12:45 a.m.</p> <p>13 Q So you claim that you reported it and met</p> <p>14 with the captain and talked to him about it at</p> <p>15 12:45 a.m.? Is that what you think happened?</p> <p>16 A From going off this report, that's what it</p> <p>17 would -- I don't remember, but I'm going off the</p> <p>18 report you gave me. So it would have been six hours</p> <p>19 later after the time of injury.</p> <p>20 Q So what is your memory about when you</p> <p>21 reported it, what time?</p> <p>22 A I remember getting hurt. I remember going</p> <p>23 to the boat. I remember changing out of my soaked</p> <p>24 clothes. I remember sitting there. I remember</p> <p>25 talking to the mate through all of this. And I</p>	<p style="text-align: right;">259</p> <p>1 can move this along, I think you reported the</p> <p>2 morning to the captain.</p> <p>3 A What time do you think the next morning?</p> <p>4 Q Early, 6:45 or whenever it was.</p> <p>5 A 6:45 the next morning?</p> <p>6 Q The next day?</p> <p>7 A 6:45 the next day?</p> <p>8 Q Yeah.</p> <p>9 A Pm or am?</p> <p>10 Q In the morning.</p> <p>11 A That's impossible because watch changes</p> <p>12 for the morning, according to this, at 5:30 pm and</p> <p>13 5:30 am.</p> <p>14 Q Okay. When you reported to the captain,</p> <p>15 did you do that in the wheelhouse?</p> <p>16 A Yes.</p> <p>17 Q And did you all make a call at that time</p> <p>18 or do anything?</p> <p>19 A He made his phone call.</p> <p>20 Q Okay. And were you there when it was</p> <p>21 present?</p> <p>22 A He made some phone calls, he gave me some</p> <p>23 paperwork, and he had me fill some of it out there,</p> <p>24 but then he had me go downstairs, finish filling</p> <p>25 some out. They called me back upstairs, had me walk</p>
<p style="text-align: right;">258</p> <p>1 remember going to sleep, waiting until after I got</p> <p>2 done sleeping, and went up that very morning. I got</p> <p>3 out of the bed. I barely got dressed.</p> <p>4 Q So you slept through -- you slept over six</p> <p>5 hours and you got --</p> <p>6 A I didn't sleep. I tossed and turned.</p> <p>7 Q Then you got up and you reported it the</p> <p>8 next morning?</p> <p>9 A I went with the mate. I talked to him and</p> <p>10 told him exactly. Me and him went up there. He</p> <p>11 wanted to wait and see what happened six hours</p> <p>12 later. We walked up there after time off.</p> <p>13 Q So do you think you reported it to the</p> <p>14 captain the next morning?</p> <p>15 A According to this, 6:45, another six hours</p> <p>16 would have been 12:45, give or take.</p> <p>17 Q When would you have laid down and rested</p> <p>18 then?</p> <p>19 A Huh?</p> <p>20 Q I thought you said you rested before you</p> <p>21 reported to the captain.</p> <p>22 A Yes.</p> <p>23 Q So when would you have rested if it was --</p> <p>24 A Let me see, watch time started at 5:30.</p> <p>25 Q To help you out a little bit, Ryan, so we</p>	<p style="text-align: right;">260</p> <p>1 back upstairs all them flights, steps. I talked to</p> <p>2 some people. Then he let me go for a little while.</p> <p>3 I went back downstairs.</p> <p>4 He called me back upstairs again later on,</p> <p>5 asked me if I wanted to see a doctor, if I needed to</p> <p>6 go to the emergency room or whatever. I said, yeah,</p> <p>7 I would like to because this is really messed up,</p> <p>8 something ain't right. And instead of doing that,</p> <p>9 Marathon decides to take a car with somebody else</p> <p>10 and drive me from St.-Louis to Catlettsburg,</p> <p>11 Kentucky, which is over nine hours.</p> <p>12 Q When you're up in the wheelhouse and you</p> <p>13 made the call, do you know who the call was to?</p> <p>14 A That was the captain. I don't remember</p> <p>15 who he reports to and then who calls me back. I</p> <p>16 don't remember who I talked to.</p> <p>17 Q So you weren't there when he made the</p> <p>18 call?</p> <p>19 A Yes, I was there. He used his phone. It</p> <p>20 was a wheelhouse phone or whatever. He made the</p> <p>21 call. I don't know the number. I didn't see the</p> <p>22 number.</p> <p>23 Q But you don't know who he talked to?</p> <p>24 A No.</p> <p>25 Q Did you hear what he said to whoever it</p>

<p style="text-align: right;">261</p> <p>1 was?</p> <p>2 A I wasn't paying attention. I was filling</p> <p>3 this out and too worried about my back.</p> <p>4 Q So in answer to my question, you can't say</p> <p>5 what he said to whoever it was?</p> <p>6 A I was too worried about the pain in my</p> <p>7 back.</p> <p>8 Q So you went downstairs then and did what?</p> <p>9 Got prepared to leave?</p> <p>10 A I just went downstairs. He called me back</p> <p>11 up and down. It took them forever.</p> <p>12 Q How long was it after you talked to the</p> <p>13 captain and he called somebody that you left the</p> <p>14 boat?</p> <p>15 A Lord, I don't know. I can't remember</p> <p>16 exact timeframe.</p> <p>17 Q Approximately, one hour, two hours, three</p> <p>18 hours, six hours, ten hours, what?</p> <p>19 A I couldn't say. I know it was a very long</p> <p>20 time. I know that for a fact.</p> <p>21 Q From the time it was reported to whoever</p> <p>22 it was, you say it was a very long time before you</p> <p>23 got --</p> <p>24 A Yes. They even had to get a rental car.</p> <p>25 Q So how did you -- strike that. Did you go</p>	<p style="text-align: right;">263</p> <p>1 It takes me six hours driving straight through</p> <p>2 normal, three hours normal time driving from here to</p> <p>3 there, so that's nine hours driving normal at least.</p> <p>4 Every 30 minutes, we had to stop for another 30</p> <p>5 minutes. So I can't even remember time. It was</p> <p>6 late when we got there.</p> <p>7 Q So what's your estimate of how long it</p> <p>8 took you once you got off the boat to get to</p> <p>9 Catlettsburg?</p> <p>10 A Oh, Lord, I honestly couldn't tell you.</p> <p>11 It was every 30 minutes I had to stop.</p> <p>12 Q If you have an estimate, give me one. If</p> <p>13 you have no estimate, say I don't have an estimate.</p> <p>14 A I could tell you 12 to 15 to 18 hours.</p> <p>15 Q That's your estimate?</p> <p>16 A Roughly.</p> <p>17 Q Who did you drive with?</p> <p>18 A I don't know his name at all. He was some</p> <p>19 new person or something. I don't know.</p> <p>20 Q You didn't know who it was?</p> <p>21 A No.</p> <p>22 Q Was he off the boat or do you know?</p> <p>23 A Off the boat? He was on the boat when we</p> <p>24 got there.</p> <p>25 Q Was he on the vessel that you were on?</p>
<p style="text-align: right;">262</p> <p>1 to unpack your bags then to get ready to go?</p> <p>2 A I went upstairs. They told me I was</p> <p>3 going. I said, am I going to the hospital? They</p> <p>4 said, no, you're going to Catlettsburg. I said, why</p> <p>5 can't I go to the hospital? Well, you need to take</p> <p>6 a drug test. I said, why can't I take a drug test</p> <p>7 at the hospital?</p> <p>8 Q Who are you saying all this to?</p> <p>9 A The captain.</p> <p>10 Q All right. Go ahead.</p> <p>11 A I don't know if he made a phone call or</p> <p>12 whatever afterwards. He said, you're going with --</p> <p>13 I forget the guy's name. This guy, he's driving</p> <p>14 you. And you are to stop every 30 minutes and take</p> <p>15 a break. That's the orders by the nurse</p> <p>16 practitioner at Marathon's own personal spot that's</p> <p>17 not even -- to me, not even qualified for back</p> <p>18 problems anyways. It was their own personal nurse</p> <p>19 practitioner that over the phone told me -- and told</p> <p>20 the guy driving me, every 30 minutes we had to stop.</p> <p>21 Ice and heat it on the way there.</p> <p>22 So it took us forever to get there.</p> <p>23 Because it takes me, normal driving, from</p> <p>24 Evansville, which is on the way -- you know, 64 from</p> <p>25 here, St.-Louis to 64 passes the Evansville exit.</p>	<p style="text-align: right;">264</p> <p>1 A Yes.</p> <p>2 Q So he got off the boat too?</p> <p>3 A Yes. He's the one that drove me.</p> <p>4 Q But you don't know his name?</p> <p>5 A No.</p> <p>6 Q What did you all discuss, if anything, on</p> <p>7 the route for 12, 15, 18 hours, you say?</p> <p>8 A Nothing.</p> <p>9 Q You didn't talk about anything?</p> <p>10 A I was too busy -- he said, well, we've got</p> <p>11 to stop. All right. That was pretty much -- I</p> <p>12 mean --</p> <p>13 Q Did he stop whenever you wanted to?</p> <p>14 A He stopped every 30 minutes like he was</p> <p>15 supposed to, like he was told to.</p> <p>16 Q You don't recall any of the conversations</p> <p>17 you all had?</p> <p>18 A No.</p> <p>19 Q Were you taking any medication at that</p> <p>20 time besides the Bengay you may have put on your</p> <p>21 back?</p> <p>22 A No, because they didn't have me go to the</p> <p>23 doctor or anything. They wanted to drug test me</p> <p>24 there.</p> <p>25 Q So you drove to Catlettsburg?</p>

<p style="text-align: right;">265</p> <p>1 A He drove me, yes. 2 Q Okay. And when you got to Catlettsburg, 3 who did you see? 4 A The nurse practitioner. 5 Q What time did you arrive in Catlettsburg? 6 A Oh, Lord, I couldn't tell. 7 Q Morning, evening, daytime, nighttime? 8 Give me your best estimate. 9 A It was after office hours were closed. 10 She was there waiting for us. 11 Q Was it daylight or not? 12 A I think it was getting dark. I think it 13 was dark. 14 Q And what was her name? 15 A Oh, I can't remember off the top of my 16 head. 17 Q But it was the nurse practitioner you met? 18 A Yes. 19 Q What did she do? 20 A She sits at the Marathon office. She has 21 her own office inside Marathon. 22 Q What did she do with you, if anything? 23 A Oh, nothing. She just looked at me and 24 kind of pressed a little bit. 25 Q Did she take you in the office?</p>	<p style="text-align: right;">267</p> <p>1 Q So she did her exam, if you'd call it 2 that, and then you went to stay in a hotel? 3 A Yes. 4 Q Which hotel? 5 A It was the one previous I talked about. 6 It was like they keep us there, as soon as you come 7 up 64 heading there, it would be on the left-hand 8 side. You exit -- 9 Q Okay. That's all right. 10 A I don't know. It's like Raddison, Ramada, 11 something. 12 Q Marathon paid for everything? 13 A Yeah, they paid for the room. 14 Q So you spent the night that night in the 15 hotel? 16 A Uh-huh. 17 Q Did you come back to the Catlettsburg 18 office? 19 A Yes. She wanted to see me again the next 20 day. 21 Q Did she see you the next day? 22 A Yes. 23 Q How long did you stay there in 24 Catlettsburg then? 25 A They had me -- they told me to finish out</p>
<p style="text-align: right;">266</p> <p>1 A We stood outside the little office area. 2 She asked what happened. Another couple people were 3 there from Marathon, I think HR. I don't know who 4 it was. She asked what happened. I told her I was 5 taking wires off, of course. And she looked at me. 6 She took me to the room -- 7 Q Did you tell her how you got hurt? 8 A I told her I was taking wires off. 9 Exactly -- 10 Q Listen. Did you tell her how you got 11 hurt, yes or no? 12 A Exactly what I said -- well, not exactly. 13 What I remember, I told her I was taking wires off 14 of the barges. 15 Q Is that all you said? 16 A Other than that, I don't remember exactly 17 word-for-word what I said. 18 Q I understand. Is that the best rendition 19 you can say of what you told her about how the 20 incident occurred? 21 A I was just honestly too worried about the 22 pain. I asked her if she was going to get me 23 anything. She said, no, take Tylenol or aspirin or 24 something and ice it and heat it and go to this 25 hotel room after she looked at me.</p>	<p style="text-align: right;">268</p> <p>1 my hitch there. So it would have been another two 2 or three weeks, something like that. 3 Q Finish out your 30 days so that you would 4 be paid? 5 A Yeah. They said they didn't want any lost 6 time. 7 Q Okay. So they didn't want you to lose any 8 pay because of this? 9 A Well, I don't know about that. They said 10 they didn't want lost time, that I had to stay 11 there. I said, I want to go see a doctor, another 12 doctor. No, you have to stay here or we will 13 consider it pretty much walking out of a job. 14 Q Okay. 15 A And losing your job. 16 Q So you stayed at the hotel? 17 A Yes. 18 Q Did you see anybody besides the nurse 19 practitioner? 20 A They had me see Marathon's own -- another 21 doctor. I don't know who he was. 22 Q Was the nurse practitioner a doctor or do 23 you know? 24 A She's a nurse practitioner. 25 Q So you said another doctor.</p>

<p style="text-align: right;">269</p> <p>1 A There was another doctor. They had me see 2 a guy that was there at the same place, Marathon's 3 headquarters. 4 Q He's a medical doctor? 5 A I don't know what he was. 6 Q Did he introduce himself? 7 A I believe so, yeah, but I don't remember 8 what his name was. 9 Q Did he say, I'm Dr. Whatever? 10 A I don't remember. 11 Q What did he do for you? 12 A Basically the same thing she did, just 13 looked at me, pressed on my back a little bit, had 14 me move my legs a little bit, and that was it. 15 Q So that examination, did that take place 16 at the Catlettsburg office? 17 A Yes. 18 Q And then did you do some light work or 19 work while you were there in Catlettsburg? 20 A They told me I needed to stay at the 21 office and do office desk work since I'm getting 22 paid. I told them I need to lay down, I'm hurting 23 real bad. They said, no, you have to be here and do 24 light-duty work with us, we do not want lost time. 25 And then about a week or two weeks later, week or</p>	<p style="text-align: right;">271</p> <p>1 Q Okay. So did you see a doctor there? 2 A I think they had me see somebody, but it 3 was only for a short time. She kind of looked at 4 me, did the same thing, and they escorted me to the 5 MRI machine. 6 Q Okay. So it looks like you went there on 7 September 4, which would have been six or seven days 8 after you got off the boat? If you got off the boat 9 on the 28th of August, September 4 would have been 10 about six days later. Does that sound about right 11 to you? 12 A Let me see here on my calendar just to see 13 what 2014 was. August 27, 28 -- counting the 28th, 14 one, two, three, four, five, six -- what day was 15 that, you said? 16 Q September 4. 17 A That would be eight days. 18 Q So September 4 is when you think you went 19 to King's Daughters to get the MRI? 20 A Yeah, I'd have to double-check it. I've 21 got copies of the paperwork and everything at home. 22 Q It looks like you saw Dr. Yagodich on 23 September 16. 24 A Yes. I don't remember exactly if it was 25 September 16 or not, but I remember seeing him</p>
<p style="text-align: right;">270</p> <p>1 two weeks, I can't remember, they sent me to finally 2 get an MRI done. 3 Q A couple weeks later? 4 A A week or two. 5 Q Was that in Catlettsburg? 6 A Yes. 7 Q So while you were in Catlettsburg during 8 this period of time, after seeing the Marathon 9 doctor, they sent you to another doctor in 10 Catlettsburg? 11 A Yes. 12 Q What was that person's name? 13 A It was getting an MRI. I don't know the 14 doctor's name exactly. 15 Q Okay. 16 A It was at -- what's it called -- I want to 17 say -- 18 Q So did you actually get examined or just 19 have an MRI conducted? 20 A I mean, I think she looked at me for a 21 minute and then gave me an MRI. 22 Q So was it at King's Daughters Medical 23 Center? 24 A Yes. That was their main office, or the 25 main -- it's like a big hospital.</p>	<p style="text-align: right;">272</p> <p>1 afterwards. 2 Q And that's your regular doctor? 3 A Yes, because they would not prescribe me 4 any type of pain medicine. 5 Q And then did he refer you to Dr. Glassman? 6 A No. 7 Q Who referred you to Glassman? 8 A Rupert. 9 Q Yagodich, did he refer you to Rupert? 10 A Yes. 11 Q Okay. So Rupert is a doctor referred by 12 your family doctor? 13 A Yes. I saw my family doctor to find out 14 where I need to go to to get it fixed. 15 Q And he sent you to Rupert? 16 A He sent me to Rupert. 17 Q And then Rupert referred you to Glassman? 18 A Rupert looked me over again and sent me to 19 Glassman and something else. I forget what it was. 20 Q When was the last -- strike that. While 21 you were at Marathon, you had various evaluations 22 done of your performance as a crew member? 23 A Okay. 24 Q Is that true? Yes or no? 25 A I mean, they always evaluate you. It just</p>

<p style="text-align: right;">273</p> <p>1 depends on what you're -- 2 Q Listen to my question. While you were 3 working at Marathon, they had job performances 4 performed on you? 5 A Okay. 6 Q Is that true? 7 A Yeah, they do do that. 8 Q Did they in your case? 9 A I don't know. Which paperwork or -- 10 which -- I mean, there's job evaluations for moving 11 up from deckhands, there's performance evaluations 12 for just your year-round performance evaluations. 13 Q Fair enough. So you had various kinds of 14 evaluations done while you were working at Marathon? 15 A Yes. There's random evaluations also, 16 just keep in mind. 17 Q Okay. So there's three kinds, there's 18 performance evaluations, there's random evaluations, 19 and there's evaluations for elevation from one 20 degree of deckhand to the next? 21 A Or on up to go to the captain. Each 22 person gets evaluated. 23 Q So you had all three of those done? 24 A Yeah. 25 Q When is the last time you had an</p>	<p style="text-align: right;">275</p> <p>1 A The name sounds familiar. 2 Q This indicates that they had a meeting 3 with you, those two, Isaac Perkins and Michael 4 Burdick, and discussed your poor work performance 5 and lack of motivation along with other issues. And 6 that happened in August and in July actually of the 7 same year you had your accident. Do you recall that 8 at all? 9 A So that happened two days after I got on 10 the boat, two or three days? Because it took me 11 about a week. There's no way. They didn't fly down 12 with us. They weren't even on that boat at the 13 time. I know that for a fact because all the big 14 wigs are on the boat and nothing of this degree 15 would have happened. Everything would have been 16 safety-wise. 17 Q This was on the phone. 18 A I don't remember on the phone at all. 19 Q You don't remember this event I'm talking 20 about? 21 A No. 22 Q You don't remember on the phone them 23 talking about your poor performance and lack of 24 motivation? 25 A Not at all.</p>
<p style="text-align: right;">274</p> <p>1 evaluation before your incident? 2 A I cannot remember. 3 Q Let me refresh your memory. I think you 4 had one on the 24th of August, and your accident 5 happened on the 27th of August. Do you remember 6 that evaluation? 7 A No, not at. That's three days before we 8 arrived there. We had just got on the boat. 9 Q Yes. 10 A So there couldn't have been much of an 11 evaluation done there. 12 Q So you don't remember the contents of any 13 evaluation that happened within three or four days 14 of your accident? 15 A No, not at all. 16 Q You were on the boat at the time? 17 A I would say so, because it took us about a 18 week or so to get up there. So that means we were 19 on the boat maybe two days, if that. 20 Q Do you know Isaac Perkins? 21 A That would be lead HR, the top HR guy. I 22 don't know if he's still there or not. 23 Q Do you know him? 24 A I know I've talked to him a few times. 25 Q Do you know Michael Burdick?</p>	<p style="text-align: right;">276</p> <p>1 Q Well, it says that at the time you were 2 confused, and they recommended you -- they 3 recommended that you do certain things in very plain 4 terms to improve your performance. Do you remember 5 any of that? 6 A No, I don't remember the phone call at 7 all. 8 Q Do you recall Captain Scott writing out on 9 paper his expectations for you once you got on the 10 Nashville, when you boarded the vessel? 11 A No. 12 Q And Captain Scott had 17 messages of 13 expectation that he expected of you? 14 A I have no idea. 15 Q You don't recall any of that? 16 A No. 17 Q And according to this -- and your lawyer 18 has a copy of this, by the way. 19 A Okay. 20 Q They discussed all the 17 points and they 21 explained to you in detail, and this was supposed to 22 guide you to improve your progress with the company 23 because they were concerned about safety issues with 24 you as well. None of that rings a bell with you? 25 A I don't remember a phone call at all.</p>

<p style="text-align: right;">277</p> <p>1 Q All right. The call concluded apparently 2 with the port captain telling you that his 3 expectations for you were to follow and comply with 4 all of Captain Scott's expectations. You don't 5 remember that? 6 A Like I stated before, I don't remember the 7 phone call at all -- 8 Q All right. 9 A -- two or three days after I got on the 10 boat. 11 Q Do you remember them asking if you had any 12 questions that you didn't understand after going 13 through all of these expectations? Do you recall 14 that? 15 A I don't remember the phone call at all. 16 Q All right. At that time, you apparently 17 said that your goal was to work as a shore side 18 tankerman. Do you remember that part? 19 A Ever since Marathon forced us to get a 20 tankerman's license, that was the part of the 21 thing -- I've told everybody that beforehand. I 22 said I'd like to go into shore side. 23 Q Why did you want to go on shore side? 24 A You make more money. 25 Q I see. Did you -- strike that. Would you</p>	<p style="text-align: right;">279</p> <p>1 90 percent you stay on the shore. But they can -- 2 crew services or the tankerman guy can call you and 3 tell you, hey, you're getting on the boat. 4 Q I understand. But 90 percent of the time 5 you stay on the shore? That's why they call it a 6 shore side tankerman? 7 A Yes. 8 Q All right. They apparently asked you to 9 sign the list of expectations and you refused to 10 sign it? 11 A I'll state this. I don't remember it. So 12 therefore, that's easy to make up if nobody signed 13 it. I mean -- 14 Q Is that the reason you refused to sign it? 15 A I don't remember at all. 16 Q Okay. Here are the expectations. I'll 17 just read them off. 18 (Defendant's Deposition Exhibit 19 12 marked for identification.) 20 Q (By Mr. Massey) I'm showing you, 21 Mr. Ruddell, what's been marked as Exhibit 12. And 22 I'll ask you to flip to the last page. And those 23 are the 17 expectations. At least it says you 24 refused to sign it. So I presume they must have 25 given it to you, you looked at it, and you refused</p>
<p style="text-align: right;">278</p> <p>1 have to be on the boat and stay away from your 2 family? Did that enter into it at all? 3 A Money, for one. That's number one. Shore 4 side is you stay on shore. You get called in random 5 amounts of time or whatever. 6 Q That's what I'm saying. If you're on 7 shore side doing tankerman work, do you have to get 8 on the boat and stay on for 30 days? 9 A If they really need you, yes, they do. 10 They've had people shore side come on the boats and 11 stay on the boats. 12 Q Okay. But normally though, if you're a 13 normal tankerman on the land, do you actually serve 14 a 30-day watch on a towboat? 15 A Sometimes you can. 16 Q Okay. But normally do you? 17 A Back two years ago when all this -- or 18 even before that a little bit when all this started 19 and they told us you had to get a tankerman's 20 license, that we were forced to or we'd end up 21 having to get fired or whatever, this was all new. 22 They just started doing shore side tankerman. The 23 jobs had just started opening up. 24 Q What does shore side tankerman mean? 25 A You stay on the shore. You mostly --</p>	<p style="text-align: right;">280</p> <p>1 to sign it. My question is this. Do you recall 2 seeing that third page of this Exhibit 12? 3 A I do not remember this page at all. 4 Q Glance at any of those things. Do you 5 recall those expectations being made clear to you? 6 A As I stated before, I don't remember the 7 phone call, so therefore I do not remember this at 8 all. 9 Q Okay. Did they ever say that you needed 10 to do better stretching exercises and you needed to 11 do them properly? Do you remember that? 12 A I don't remember this at all. 13 Q You don't remember any of these things? 14 A As I stated before, I don't remember the 15 phone call. 16 Q All right. 17 A This could be made up. This could be made 18 up after the fact. Things could be added after the 19 fact. There's no notary signed to state that this 20 was ever given to me or anything done. This is easy 21 to make. 22 Q So you think -- 23 A This is real kind of -- this kind of ticks 24 me off. 25 Q So you think they made that up?</p>

<p style="text-align: right;">281</p> <p>1 A There's a good chance of that. 2 Q When is the evaluation that you recall, 3 performance or any of the other three that you 4 mentioned, evaluations before this one? What's the 5 latest one before that one? 6 A I don't remember. I remember having some 7 evaluations, but I don't remember. 8 Q Do you remember a mid-year review that was 9 done July, which was the month before this phone 10 call? 11 A No. 12 Q And this evaluation would have occurred 13 July 24, which is about a month before the incident. 14 Do you remember that? 15 A July 24? I don't know even know if I was 16 off the boat or on the boat during that. If I was 17 on the boat a week before, I'd have to do the 18 calculations for that. 19 Q This one would have been done with Mike 20 Burdick again and with Isaac Perkins. 21 A I don't know. 22 Q You don't recall that either? 23 A No, not at all. This is years ago. 24 Q This was called mid-year review 2014. 25 It's got your employee number on it.</p>	<p style="text-align: right;">283</p> <p>1 Q Well, do you remember being asked to sign 2 reviews that you refused to sign? 3 A No, I do not. 4 Q So -- 5 A I don't remember. As of right now, I do 6 not remember. 7 Q But do you remember any reviews where you 8 were asked to sign and you refused? 9 A No, I do not. 10 Q So you think you signed whenever you were 11 asked to sign? 12 A If I agree with something, I'll sign it, 13 yes. I mean, I don't remember this paperwork. 14 Q I understand. Do you deny that that 15 review occurred? 16 A I do not know. I do not remember this 17 review at all. 18 Q I understand you don't remember. My 19 question is, do you deny that it occurred? 20 A I do not know. 21 Q Were the reviews done in person, over the 22 phone, or did they vary? 23 A I remember -- it wasn't the captain on 24 this boat, but prior boats I remember being reviewed 25 up in the wheelhouse. Each person was brought up</p>
<p style="text-align: right;">282</p> <p>1 A Okay. 2 (Defendant's Deposition Exhibit 3 13 marked for identification.) 4 Q (By Mr. Massey) I'm showing you, 5 Mr. Ruddell, what's been marked as Defendant's 6 Exhibit 13. That purports to be the mid-year review 7 dated July 24, 2014. Do you see that? 8 A I see year 2014 review, mid-year. I don't 9 see the month or date. 10 Q Look at the bottom where it's signed. 11 A Is that 24? 12 THE WITNESS: Do you have that? Is that 13 24? 14 MR. O'BRYAN: Yeah, 24, 26. 15 Q (By Mr. Massey) You recall that? 16 A I don't recall it. This is 2014. 17 Q You don't recall that review process 18 either? 19 A No. 20 Q It says here you refused to sign that as 21 well. 22 A Okay. 23 Q Is that true? 24 A If I don't remember it, how can I say if 25 it's true or not? I don't remember.</p>	<p style="text-align: right;">284</p> <p>1 there. But I'm guessing you could say it varied 2 because you're stating the last one was over the 3 phone. Now this one, I'm not -- 4 Q The one you're looking at there, 5 Exhibit 12, that was July 24. Do you recall any 6 evaluations that were done before this one of 7 July 24, 2014? 8 A It was years ago. I don't remember. 9 Q Do you remember any of the evaluations in 10 terms -- 11 A I remember having the evaluations, but I 12 do not remember when or where. 13 Q And you don't remember the contents of 14 them? 15 A No. 16 Q You don't recall what was discussed? 17 A No. 18 Q And you don't recall who was present, any 19 of them? 20 A No, I don't remember. 21 Q And you don't recall whether they were 22 over the phone or in person? 23 A I don't remember. You stated the last one 24 was over the phone. Now this one, I don't know. 25 Q At some point in July, were you brought in</p>

<p style="text-align: right;">285</p> <p>1 because of your poor performance so that they could 2 test you on your abilities as a deckhand? 3 A No. That wasn't the reason. I was 4 brought in one time -- it wasn't for a poor 5 performance or anything. It was to move me from 6 deck two to deck one. Let me rephrase that. I 7 believe it was either deck two to deck one or deck 8 one to mate to finish my book up. 9 Q When was that? 10 A I don't remember the exact day. I 11 remember I had signed -- I had people, mates, that 12 signed me off on things that the training mate told 13 me he didn't recognize now, that I had to redo the 14 whole thing over. They didn't agree with it, so I 15 got a whole new deck book. They went ahead and had 16 another mate go back over everything with me and 17 sign me off on almost everything instantly. 18 Q Do you remember any of the details of that 19 when you were brought in for that? 20 A I just remember some of the things I had 21 to do. 22 Q Do you remember about when that was? 23 A No. 24 (Defendant's Deposition Exhibit 25 14 marked for identification.)</p>	<p style="text-align: right;">287</p> <p>1 lot better at working with vessel crews. Needs to 2 pay attention while in any meeting. Ryan has the 3 skills to do this job but he has to have the will to 4 do this job. He wants to be a shore side tankerman. 5 But until he proves to the company that he can do 6 better at his deckhand job I don't think it will 7 happen. 8 A This is from a training mate that has 9 never -- well, back in years past I worked with. 10 Q Who was that training mate? 11 A Looks like Wayne Parker. 12 Q Do you remember him? 13 A Vaguely. 14 Q Is that your training mate? 15 A That was one of many training mates. That 16 wasn't my training -- I mean -- 17 Q You refused to sign this as well? 18 A I told him if he wanted to put that down 19 there like that -- he hasn't worked with me on a 20 boat for years. They had me come in to go over to 21 show him how I can do things. And he writes this 22 down saying I need more initiative when he hasn't 23 been out on a boat or worked with me personally. So 24 I told him with putting that down, no. 25 Q So you refused to sign?</p>
<p style="text-align: right;">286</p> <p>1 Q (By Mr. Massey) Let me show you what's 2 been marked as Defendant's Exhibit 14. That's some 3 qualification testing that was done. And when was 4 that done? 5 A On here, it's dated July 3rd, July 4th, 6 2013. 7 Q Do you remember that at all? 8 A I don't remember the date. But like I 9 stated before, I remember doing some things I had to 10 do in order to -- 11 Q Do you remember that event for those days? 12 A I remember having to do this. 13 Q Where did you do that? 14 A On the training pad there. 15 Q Where? 16 A Catlettsburg. 17 Q So they took you off the boat to do this? 18 A No. I don't believe I was -- I was 19 already off work. They had me come in. 20 Q So did you drive from Evansville or 21 Catlettsburg to do that? 22 A I either drove or they rented me a car. 23 I'm not sure exactly how I got there. 24 Q On the comments, it says, Ryan needs to 25 show more initiative for his job. Needs to get a</p>	<p style="text-align: right;">288</p> <p>1 A I told him I did not agree with that. 2 Q This says Ryan refused to sign. 3 A Okay. 4 Q Is that true? 5 A I guess. 6 Q So you were asked and you refused? 7 A If I don't agree with something, I'm not 8 going to sign it. 9 Q So you were asked and you refused? 10 A I told him he could re-word it and I would 11 sign it. 12 Q So you were asked and you refused to sign? 13 A Okay. 14 Q Is that true? 15 A I guess. 16 Q Do you think you did, in fact, sign? 17 A I remember doing the training. I remember 18 him going over the things. I remember doing this 19 training already beforehand, like I stated before. 20 Q Do you think you signed the evaluation? 21 A I was signed off on it, and they had me do 22 it again. 23 Q Did you sign off on the evaluation or not? 24 A I guess not obviously if it's right here. 25 MR. O'BRYAN: He's bad, but you're just as</p>

<p style="text-align: right;">289</p> <p>1 bad.</p> <p>2 THE WITNESS: Huh?</p> <p>3 MR. O'BRYAN: I said you're bad, but he's</p> <p>4 just as bad.</p> <p>5 Q (By Mr. Massey) Do you remember if you</p> <p>6 missed any work because of the vasectomy and the</p> <p>7 complications therefrom?</p> <p>8 A Not that I can recall.</p> <p>9 Q When you saw the doctors and you</p> <p>10 complained about testicular pain and they were</p> <p>11 baffled as to why you would have testicular pain,</p> <p>12 did you tell them that you had had complications</p> <p>13 from a vasectomy?</p> <p>14 A I think I've already been over this.</p> <p>15 Q What's your answer?</p> <p>16 A Is there a way of having the court</p> <p>17 reporter read --</p> <p>18 MR. O'BRYAN: Just say yes or no. It will</p> <p>19 be a lot quicker.</p> <p>20 THE WITNESS: What was it again?</p> <p>21 MR. MASSEY: Read the question back.</p> <p>22 Listen to the question.</p> <p>23 THE WITNESS: Okay.</p> <p>24 (The requested portion of the</p> <p>25 record read by the reporter.)</p>	<p style="text-align: right;">291</p> <p>1 A I just don't get them.</p> <p>2 Q Okay. You never get --</p> <p>3 A I don't get a paper copy. I go into AT&T</p> <p>4 and I pay my bill.</p> <p>5 Q Okay. You don't have a record that you</p> <p>6 can get online and see when you made calls?</p> <p>7 A I don't sign up for all of that stuff. I</p> <p>8 don't pay anything online. I don't do anything like</p> <p>9 that.</p> <p>10 Q If the testimony is that you, in fact, did</p> <p>11 call a doctor because they heard you call, which</p> <p>12 doctor would you have been calling?</p> <p>13 A I have no idea. I mean, if I had --</p> <p>14 Q Could it have been the doctor or</p> <p>15 chiropractor that you had seen years before?</p> <p>16 A No, because I don't even remember that</p> <p>17 doctor. The only doctor -- if you had to even give</p> <p>18 a shot of anything would be Yagodich, my family</p> <p>19 doctor, to let him know exactly what was going on.</p> <p>20 Q Have you ever smoked dope?</p> <p>21 A No.</p> <p>22 Q Have you ever done meth?</p> <p>23 A No.</p> <p>24 Q Cocaine?</p> <p>25 A No.</p>
<p style="text-align: right;">290</p> <p>1 A No. I told them I had a vasectomy. I</p> <p>2 told them -- I don't believe I had complications</p> <p>3 from the vasectomy. Everything I was told</p> <p>4 afterwards that happened was normal.</p> <p>5 Q (By Mr. Massey) Do you still have pain in</p> <p>6 your testicles?</p> <p>7 A From the back, yes.</p> <p>8 Q And how do you know it's from your back</p> <p>9 versus your vasectomy?</p> <p>10 A Because when I was getting the epidural</p> <p>11 shots, after the pain went away, the testicle pain</p> <p>12 went away. It didn't go completely away, but after</p> <p>13 they gave me a bunch of medication or whatnot. At</p> <p>14 one point in time the pain went down so low the</p> <p>15 testicle pain went away.</p> <p>16 Q On the way from getting off the boat</p> <p>17 around St. Louis back to Catlettsburg, you called a</p> <p>18 doctor en route?</p> <p>19 A I don't remember calling any doctor en</p> <p>20 route because nobody stopped. Nobody would even</p> <p>21 drop me off at my own home on the way to see a</p> <p>22 doctor.</p> <p>23 Q Do you still keep your cell phone records?</p> <p>24 A No.</p> <p>25 Q You destroyed them?</p>	<p style="text-align: right;">292</p> <p>1 Q Crack?</p> <p>2 A No.</p> <p>3 Q Any illegal drug?</p> <p>4 A No.</p> <p>5 Q I understand you don't remember this back</p> <p>6 situation that you had in July of 2008, so I guess</p> <p>7 you never told Marathon about that condition,</p> <p>8 whatever it was. Is that true?</p> <p>9 A I don't know if I told them or not. I</p> <p>10 don't even remember that.</p> <p>11 Q That's what I'm saying.</p> <p>12 A That's what I'm saying. I don't know.</p> <p>13 Q So I know you don't remember it now. But</p> <p>14 are you saying you could have told them about it?</p> <p>15 A I don't know.</p> <p>16 Q Okay. And even after this length of time,</p> <p>17 I asked you about it two or three hours ago, you</p> <p>18 still don't have a memory of that doctor or those</p> <p>19 X-rays or those manipulations that you had or</p> <p>20 stimulations. You don't remember the hospital visit</p> <p>21 to get your X-ray, any of that?</p> <p>22 A No.</p> <p>23 Q Have you ever been unconscious to your</p> <p>24 knowledge?</p> <p>25 A Not to my knowledge.</p>

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- 1 Q Has anybody ever knocked you out fighting,
2 anything like that?
3 A No.
4 Q How would you -- how would you judge your
5 job performance at Marathon? What's your view of
6 how you performed as a crew member? Do you think
7 you were a poor performer, an average performer,
8 above average performer?
9 A Average, adequate.
10 Q Did they ever tell you that you were
11 inadequate in any of these reviews and not good
12 enough, that you would have to improve or otherwise
13 you would be terminated?
14 A Not that I can remember.
15 Q How did you view your job situation on the
16 date of your injury if you, in fact, had a review
17 two or three days before that was negative? On the
18 day of your accident, did you think you were in any
19 threat or fear of being let go because of your job
20 performance?
21 A How would I be in fear or threat if I
22 don't remember ever seeing or hearing them talk
23 about it? So therefore, no, I wouldn't fear
24 anything.
25 Q Okay. So you didn't believe that your job

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- 1 performance was at issue sufficient to cause you to
2 be terminated at the time of your accident?
3 A No. I had been there for six -- or at
4 that point in time, six years.
5 Q Had you progressed normally with the
6 company during those years or not?
7 A As normally as could be expected.
8 Q Why do you say that?
9 A When I started off at deck three, they
10 ended up freezing the deck threes' time because they
11 were redoing everything, and they came out with
12 these eventually. Then it started go by, because
13 how they used to do the deck improvements was by the
14 captain only. If you got in good with the captain
15 and he liked you and everything else, he would call,
16 put you in for it. He'd go ahead and do that.
17 I remember being shown being put in for
18 deckhand advancement from deck three to deck two.
19 The captain said you weren't allowed to. Now I can
20 talk about it because the captain is actually gone.
21 His name is -- oh, man, he was on the Ashland. He
22 put me in twice for it, Tommy something. And he
23 came downstairs in front of everybody and showed me.
24 He goes, this is the second time I've put you in for
25 advancement. They said they ain't going to do it

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- 1 because everything is frozen right now. They are
2 coming out with new qualifications and everything
3 else. It took them for ever.
4 Q Were you ever tutored or mentored or had
5 special training to try to make you better? Were
6 there people that did that?
7 A Just normal stuff. I mean, the mate would
8 go by and show you how to do something and check you
9 off on the stuff if you could do it.
10 Q Did training mates ever work with you to
11 try to make you a better deckhand so that you could
12 do better and not be terminated?
13 A Mostly with the training -- training mates
14 may have shown a little bit to me or a little bit to
15 other people too. But mostly when they came on the
16 boat they did their checks and other things they had
17 to do and worked with people that were brand new.
18 Q Wasn't Exhibit 14 -- wasn't that working
19 with the training mate?
20 A Yes, that was the training mate.
21 Q So a training mate was working with you --
22 A At Catlettsburg.
23 Q -- at that time in Catlettsburg to try to
24 make you better and get you to be a better deckhand?
25 A No, he was working with me to check me off

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- 1 on this. I already had it checked off beforehand.
2 I believe I still have the booklet to that
3 somewhere. I kept record of that just to show just
4 in case because it was marked and they didn't like
5 the person. Oh, no, no, no, we don't need that, no,
6 I don't recognize that. Boom, you have to do a
7 whole new booklet, he said.
8 So we're going to have you come back, do
9 this in front of the training mate and have him
10 check it off to show you really can do it. It
11 was -- within a day, I already had 98 percent of it
12 done. And he saved a few for the next day just
13 because he said, well, I can't really do it in one
14 day. It don't really show much. I mean, it kind of
15 looks bad. So we have to have a couple days.
16 Q What was your weight right before the
17 accident approximately?
18 A 240.
19 Q About the same as it is now?
20 A Right now you said I weigh about 270, the
21 reports say.
22 Q You said you haven't weighed yourself. Do
23 you weigh about the same today as you did before the
24 accident?
25 A No, I weigh a little more. I know that.

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<p style="text-align: right;">297</p> <p>1 Q Then, back then?</p> <p>2 A No. When I started off very first, when I</p> <p>3 started off -- when I first came on there, I weighed</p> <p>4 in like the 200s. Then I went to about 230, 240,</p> <p>5 towards the end, and now I am back up a little bit</p> <p>6 more. I weighed probably about 210, 215 when I</p> <p>7 first started roughly.</p> <p>8 Q How much do you think you've gained since</p> <p>9 the accident and now?</p> <p>10 A According to -- you say the doctor's notes</p> <p>11 say I weigh 270, and that's 240. Roughly 30 pounds</p> <p>12 in two years.</p> <p>13 Q Did you work as a cook at some point on</p> <p>14 one of the boats?</p> <p>15 A The cook would get off the boat, and they</p> <p>16 found out I knew how to cook, so Captain Dwight Ryan</p> <p>17 had me cook.</p> <p>18 Q Is that a light job?</p> <p>19 A Not really. You have to -- some of it is</p> <p>20 paperwork. A lot of it is standing on your feet and</p> <p>21 a lot of it is heavy lifting to put the groceries</p> <p>22 away and take them on. That is very heavy lifting</p> <p>23 taking all them groceries on. You're getting at</p> <p>24 least five hundred to a thousand-plus dollars worth</p> <p>25 of groceries.</p>	<p style="text-align: right;">299</p> <p>1 A The mate saw it. Everybody saw me</p> <p>2 yanking, seeing the wire. They were standing right</p> <p>3 there.</p> <p>4 Q Did you report it to anyone?</p> <p>5 A I believe the mate saw it and knows about</p> <p>6 it. I don't know what to --</p> <p>7 Q Isn't there a written report you make if</p> <p>8 you have a problem so that somebody becomes aware of</p> <p>9 it?</p> <p>10 A If a wire is bad, you tell them -- you let</p> <p>11 them know. But we had to lay that wire no matter</p> <p>12 what to keep the boat from going out.</p> <p>13 Q Did you report the condition of the wire</p> <p>14 to anyone? If so, tell me who you --</p> <p>15 A I was yelling when I yanked the wire. I</p> <p>16 said, this wire is bad. I was yelling. I mean,</p> <p>17 there was things being said. I can't remember all</p> <p>18 of them. I mean, they can see the wire standing</p> <p>19 right there.</p> <p>20 Q Did you report it to anyone?</p> <p>21 A There's nothing to report. The mate fills</p> <p>22 out the paperwork or the captain.</p> <p>23 MR. O'BRYAN: Just say yes or no.</p> <p>24 A I don't know.</p> <p>25 Q (By Mr. Massey) No?</p>
<p style="text-align: right;">298</p> <p>1 Q Was the wire that you were handling when</p> <p>2 you say you did whatever you did with the winch --</p> <p>3 what size wire was that, do you know?</p> <p>4 A It's the normal size wire about this big</p> <p>5 around or. So I don't know exactly.</p> <p>6 Q You can't tell us in information, but</p> <p>7 you're holding your finger, and it was a normal size</p> <p>8 wire?</p> <p>9 A Yeah, whatever Marathon had, 65, 95, 35.</p> <p>10 I'm not sure exactly.</p> <p>11 Q You complained about the wire and the</p> <p>12 winch. Were there any other wires that you had</p> <p>13 problems with?</p> <p>14 A We just laid that one side real quick and</p> <p>15 got done and got out of there because of how bad the</p> <p>16 weather was.</p> <p>17 Q Listen to my question. You told me about</p> <p>18 the problems you say you had with the one wire and</p> <p>19 with the winch.</p> <p>20 A Yes.</p> <p>21 Q Did you have any problems with any other</p> <p>22 wires?</p> <p>23 A Not that I can remember.</p> <p>24 Q Did you report the problem that you had,</p> <p>25 that you say you had with the wire, to anyone?</p>	<p style="text-align: right;">300</p> <p>1 A I don't know.</p> <p>2 Q As you were getting off the boat, you took</p> <p>3 your bags off the boat?</p> <p>4 A No. They carried the bags for me.</p> <p>5 Q Did you take them partway off the boat?</p> <p>6 A No. They carried the bags for me.</p> <p>7 Q The entire time?</p> <p>8 A Yes. They were told to carry them from my</p> <p>9 room out all the way to the car and put them in the</p> <p>10 car.</p> <p>11 Q And who did that?</p> <p>12 A Deckhands.</p> <p>13 Q At some point -- at some point before you</p> <p>14 reported the incident to the captain, did you run up</p> <p>15 and down the stairs to get cigarettes?</p> <p>16 A Actually, I could not run. I could barely</p> <p>17 move my feet. But to get cigarettes? No.</p> <p>18 Cigarettes were in my bags.</p> <p>19 Q Did you run up and down the steps from the</p> <p>20 time you came in following the incident until you</p> <p>21 reported the incident to the captain for any reason?</p> <p>22 A No. I could not run.</p> <p>23 Q When you went to see the doctors, they</p> <p>24 asked you how you got hurt?</p> <p>25 A Yeah, I told them.</p>

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<p style="text-align: right;">301</p> <p>1 Q Just answer the question. Did they ask 2 you how you got hurt? 3 A Yes. 4 Q That's called a history? 5 A I don't know what it's called. 6 Q Okay. But they asked you how you got 7 hurt? 8 A Yes. 9 Q And you told them how you got hurt? 10 A Yes. 11 Q What did -- strike that. Did Yagodich 12 examine you and treat you at all or did he just 13 refer you? 14 A He looked at me for a little bit and gave 15 me pain medications, a real low dosage, to see if it 16 would help a little bit. And then he referred me 17 over to -- 18 Q Rupert? 19 A Rupert. 20 Q What kind of doctor is Yagodich? 21 A Family practice. 22 Q And you had seen him before for many 23 things? 24 A Oh, yes. 25 Q What kind of things?</p>	<p style="text-align: right;">303</p> <p>1 his reports, he stated that it was the same as 2 having a breast cancer patient and not receiving 3 medications. You all wouldn't let the treatments 4 go, the injections. So eventually we got that done. 5 He prescribed me medications, of course, pain 6 medications. He had me see other -- that Glassman 7 guy. 8 Q Okay. Let me stop you there. You 9 mentioned that Dr. Rupert said to you that Marathon 10 had something about a cancer patient? What did he 11 say? 12 A No. You all had denied me numerous times 13 injections into my spine at a different location 14 that he wanted to do, see if it would help, epidural 15 shots. Even in his report that I have, I sent to 16 him and highlighted, and I'm sure you have also, he 17 stated in there that denying the treatment is the 18 same as denying a breast cancer patient treatment. 19 I can't -- I don't remember word-for-word, but it's 20 in one of the letters of the reports. It is the 21 same. Eventually you all did end up letting me have 22 the epidural shots. 23 Q How many epidural shots did you have 24 total, do you know? 25 A They let two go. That was it.</p>
<p style="text-align: right;">302</p> <p>1 A He's my family doctor. Numerous. 2 Q Had you seen him for a back condition 3 before this? 4 A Not that I remember. 5 Q Could you have and you not remember? 6 A Not that I remember. 7 Q Huh? 8 A Not that I remember. 9 Q Did you tell him about the prior back 10 condition you had back in July of 2008? 11 A If I don't remember that -- no, I don't 12 remember it. 13 Q So you didn't tell him about it? 14 A I don't remember it. I don't remember 15 telling him anything about that. I don't remember 16 the back condition. 17 Q I understand that. But could you have 18 told him about it and forgotten about it? 19 A I don't know. 20 Q So you don't know if you told him or not? 21 A No. 22 Q So he sent you over to Rupert. And tell 23 me generally what Rupert did for you. 24 A He wanted to -- one thing he wanted to do 25 was more injections that Marathon declined. And in</p>	<p style="text-align: right;">304</p> <p>1 Q So how many did you have? 2 A Before him, I had three. So it would be 3 five total. 4 Q Before Rupert? You mean you had them with 5 someone else? 6 A Yes, three other with somebody else at a 7 different location. 8 Q Who did those? 9 A I don't know his name. It was some 10 Swedish doctor down by St. Mary's. What he did, I 11 was told, was called a caudal epidural. And by 12 Rupert's terms, he said that would not do anything 13 since that is not the location where the pain or the 14 disc herniation is. He wanted to try injections -- 15 MR. O'BRYAN: You don't have to keep 16 talking. Just answer the question as shortly as 17 possible. 18 THE WITNESS: Okay. 19 Q (By Mr. Massey) Somebody at St. Mary's 20 Medical Center, Dr. Smearing (phonetic), does that 21 ring a bell? 22 A Smearing? I guess. He was across the 23 street of St. Mary's. He wasn't in St. Mary's. I 24 don't know the -- 25 Q So the doctor at St. Mary's did some</p>

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1 injections, Rupert did some injections as well?
2 A Rupert wanted to go somewhere else to find
3 it.
4 Q Rupert you have seen continuously from the
5 time you began seeing him up until just a few days
6 ago, you said?
7 A Yeah, a few days or so.
8 Q When's the last injection you had?
9 A I don't remember. All he did finally
10 after you all approved it was two injections to see.
11 And then also they had an injection for, of course,
12 the discogram.
13 Q When's the last epidural injection you
14 had?
15 A I would have to get his paperwork to find
16 out.
17 Q Have you had one in 2016?
18 A I don't remember.
19 Q Is Rupert doing anything now except for
20 prescribing drugs for you?
21 A That's all he can do is prescribe the
22 medication for me.
23 Q He's not doing any exams or anything?
24 A He looks me over and asks if I'm doing the
25 same or how I'm doing or how the pain levels are.

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1 Q Do you know when the last time he actually
2 looked you over was?
3 A Maybe three for our months. I don't
4 remember.
5 Q Now, your lawyer sent you to see
6 Dr. Strenge?
7 A Yes. I was told to see Dr. Strenge.
8 Q And Mr. O'Bryan made arrangements for
9 that?
10 A I guess.
11 MR. O'BRYAN: Well, you made arrangements
12 too.
13 MR. MASSEY: I didn't make arrangements.
14 You made arrangements. You picked him out.
15 MR. O'BRYAN: Don't make it look like he's
16 my doctor.
17 MR. MASSEY: He is your doctor. You
18 picked him out, didn't you, and sent your client to
19 him?
20 MR. O'BRYAN: Mutual agreement.
21 MR. MASSEY: Not a mutual agreement at
22 all.
23 MR. O'BRYAN: Yeah, it was.
24 MR. MASSEY: In that case, we'll go to
25 another one then. Not my mutual agreement.

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1 MR. O'BRYAN: You never suggested another
2 one. And the one you did was a big splatter.
3 Q (By Mr. Massey) Let me ask you this.
4 Glassman, we made some appointments for you to see
5 Glassman before Strenge and you refused to go. Is
6 that true?
7 A No, I did not refuse to go.
8 Q You didn't? Your lawyer said you did.
9 MR. O'BRYAN: I never said that.
10 Q (By Mr. Massey) Didn't you have an
11 appointment to see Dr. Glassman, and wasn't it
12 canceled because you wouldn't go?
13 A Rupert wanted me to see Glassman. You all
14 said no. Some things got fought over. I don't know
15 exactly what happened. Next thing I know I get an
16 appointment for Glassman months down the road and an
17 appointment for another person at Glassman. Somehow
18 two people got the same appointment. Something got
19 mixed up. But eventually I ended up seeing
20 Glassman.
21 Q When did you last see Glassman?
22 A Whatever that date was. I don't remember
23 the date.
24 Q But you haven't seen him for six months?
25 A I just saw him that one time.

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1 Q You've just seen Glassman one time?
2 A Yes.
3 Q What did Glassman do for you?
4 A Nothing.
5 Q Did he tell you what was wrong with you?
6 A I got there. I sat around for a while.
7 They called me up, told me they wanted money up
8 front that I had to pay. I said, since when? This
9 is work comp. He said, well, we can't confirm
10 payment from work comp. We need your money up
11 front. We need 100 and something dollars up front.
12 I said, well, I don't have that and nobody told me
13 that. I don't have that kind of money. I get paid
14 maintenance wages. He said, well, we can't see you
15 then. I said okay, whatever. They ended up talking
16 to somebody else. I don't know what happened there.
17 They sent me to another room. Then he saw me.
18 When I sat in that room when he name and
19 saw me, he walked in, didn't even look me in the
20 eye, didn't ask for any paperwork. He said -- he
21 started ranting on saying, I've already talked to
22 Marathon, I've talked to your case manager, I've
23 talked to everybody. I've seen your stuff. All of
24 this could have been done over the phone. He didn't
25 even inspect me.

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1 After he talked to me and told me all
2 this, he sent me to get an X-ray done. I asked him,
3 why an X-ray? Why not another MRI? He couldn't
4 tell me anything. He rambled on really fast. Still
5 couldn't even look me in the eye. And he stated,
6 well, there's nothing I can do for you. I told
7 Rupert exactly everything that happened. He said
8 some attorney or somebody, somebody got to him where
9 he didn't want to do any type of work comp, he
10 didn't want to deal with it. That's why he acted
11 the way he did and that's why he didn't even look at
12 me or do anything.
13 Q At some point in time, did you work with
14 some caseworkers or people who were trying to help
15 you with your medical care?
16 A At the beginning there was a case manager
17 assigned to me from Marathon itself.
18 Q What was her name? Was it a her?
19 A A female. I don't remember her name.
20 Q Were there some other folks involved
21 besides that one female?
22 A At the beginning, there was one female
23 from there. I don't remember the name. Then I
24 went -- when I went home, there was a different one
25 assigned to me, case manager, and that was it.

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1 Q Did you like working with the case
2 managers or did you have difficulty with them or
3 what was the situation?
4 A No, I didn't like them at all.
5 Q Why?
6 A The lady they assigned me in Evansville
7 started lying. Somebody was lying.
8 Q Why was she lying?
9 A They stated that she had to come to my
10 home in order to get paperwork signed, things done.
11 This was stated to HR. HR was telling me this. So
12 they said they stopped my payments because I didn't
13 receive a check when I was supposed to. I asked
14 why. She said it had to come to my home and I
15 wasn't home.
16 I called him up. He was telling me this.
17 I said, so this is common practice, going to your
18 own patient's home, the lady that I didn't hire or
19 anything, stating she had to come to my house to get
20 things signed. I said, hold on a minute. I put him
21 on hold. I dialed her up real quick, put him on
22 three-way. They couldn't talk to each other or
23 nothing. They introduced and that was it.
24 I said, so now tell him how you had to
25 show up at my home. Well, I never said that. Next

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1 thing I know, Isaac Perkins is mumbling over the
2 phone, couldn't say anything. Well, I received --
3 you said you received the email. Well, no, I have a
4 letter here. No. I said, you said email. Put him
5 on three-way. They didn't say nothing.
6 She lies, she states things. She goes up
7 to the doctors, talks to them without my being
8 present, everything. No, that's complications.
9 Q Okay.
10 A I didn't hire her. She has no best
11 interest for me and mine, nothing.
12 Q Which caseworker was that? The first one
13 or the second one?
14 A The second one. The first one I didn't
15 see at all. That was just the short time while I
16 was up in Catlettsburg.
17 Q So the second one, that's the one you had
18 the trouble with?
19 A Yes.
20 Q And you don't know her first name or last
21 name?
22 A I want to say Nicole. I don't remember.
23 Q Can you describe her at all?
24 A Heavy-set, short.
25 Q Any other problems besides what you've

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1 just said as far as your problems with the
2 caseworker or case manager?
3 A Right now I can't remember, but that's
4 what stuck out the most.
5 Q You had a lawyer before Mr. O'Bryan?
6 A Yes.
7 Q What was his name?
8 A I don't know how you pronounce it, Guerl.
9 Q I don't want to know what your lawyer
10 said, but at some point -- I guess he's no longer
11 your lawyer.
12 A No, he's not.
13 Q At some point you were trying to record
14 sessions with the doctors?
15 A No. I was trying to record things when
16 she was talking to my doctors, that case manager,
17 for when she was lying. I got tired of her lying,
18 got tired of her showing up making accusations,
19 talking to the doctor without me being present.
20 Q Okay. Because there's some doctor's notes
21 that indicate that you wanted to record your
22 examination with them and the doctor said they
23 didn't allow that and they got into --
24 A She tried to even come in during my
25 examinations.

78 (Pages 309 to 312)

<p style="text-align: right;">313</p> <p>1 Q And there got to be a fight over that so 2 the doctor refused to examine you because you 3 insisted on a recording of the examination. Is that 4 true? 5 A This doctor -- 6 Q Is that true? I mean -- 7 A Well, hold on, there's more to it. After 8 that -- the whole thing she said to him was not 9 true. What happened was we went in there very first 10 to see him. I waited over two hours to see him in 11 that waiting room. 12 Q Which doctor? 13 A The same doctor you're talking about 14 recording. I can't remember his name. He was in -- 15 there's a St. Mary's Medical Center building and he 16 was off to the left. I just know how to get there. 17 Q It wasn't Glassman? 18 A No. 19 Q Was there more than one doctor where you 20 were trying to record? 21 A No. 22 Q Just the one doctor? 23 A I just told you, I didn't try to record 24 the doctor. I tried to record her talking. 25 Q The doctor reports, I think, if I'm</p>	<p style="text-align: right;">315</p> <p>1 here writing things. I said, I'm going to record 2 what you're saying to her. Well, no, you're not 3 allowed to. I said, yes, I can. He escorted me out 4 of the building. 5 Q Why did you object to her writing things 6 down about what the doctor was saying? 7 A This was a different girl, one of his -- I 8 don't know who she was. It was part of Dr. Sneed's. 9 She was sitting there in the corner writing things 10 down. I said, if I can't record, why is she allowed 11 to write things down? 12 Q I see. So it was really the doctor's 13 nurse or somebody in his office? 14 A It was somebody. I said, I want to record 15 you talking to her. 16 Q Okay. So the doctor was talking to one of 17 his assistants, whoever it was? 18 A He was talking. She was just sitting 19 there in the corner. 20 Q Okay. She was taking notes, and you 21 objected to that and said, she's writing things down 22 so I ought to be able to record? 23 A I said, she's writing things down, you're 24 talking to this lady here I'm having problems with, 25 I ought to be able to record this. This was even</p>
<p style="text-align: right;">314</p> <p>1 remembering right, said that you tried to -- 2 A We already at that point had a problem 3 with that doctor though. We went there the first 4 visit, sat there for two hours, went to get in. He 5 was supposed to review all the paperwork. We waited 6 forever, at least two hours. Ended up he canceled 7 on us, said he had another patient that needed to be 8 seen. We needed to come back another day. She 9 threw a fit on him right in front of me. She got 10 angry. 11 Q In February of '15, you were at Tri-State 12 Neurosurgical and it was Dr. Sneed. 13 A Okay. 14 Q And he indicates in his notes that he was 15 unable to complete your exam because you insisted on 16 recording the exam, and he told you that was against 17 office policy, and you became antagonistic and would 18 not allow the exam to continue. Is that true? 19 A No, that's not true. 20 Q Did you want to record -- 21 A I told him I was going to record him 22 talking to her. 23 Q And what did he say? 24 A Again, he said no, you're not allowed to 25 record. I said, well, this lady is sitting over</p>	<p style="text-align: right;">316</p> <p>1 outside of the office. 2 Q But who was writing down the notes? I 3 thought you said it was his nurse or his assistant. 4 A I don't know who it was. It was a lady 5 sitting in the corner. She was just sitting there 6 writing things down, everything that was being said. 7 Q But it was a doctor employee? It wasn't a 8 caseworker? 9 A I don't know. I don't know her. I didn't 10 know who she was. She just sat there. 11 Q But you, because she was writing down 12 notes, you wanted to record. And because you 13 insisted on recording, the doctor said it was 14 against the policy of the office, so the examination 15 was terminated? 16 A He was already angry beforehand when he 17 stopped us the first time, rescheduled our 18 treatment. When we got in there, he was already 19 snobby and everything. I hadn't started the 20 recording yet or anything. He already started 21 examining me. She walked up and started -- that's 22 when I started recording. He got all snappy. We 23 were already halfway out of the door when I was 24 recording because she was coming in. We walked -- I 25 said, anything you have to say to her -- they went</p>

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1 off by themselves and started talking in another
2 room.
3 Q Did Yagodich, or whatever his name was,
4 did he refer you to this Dr. Sneed?
5 A No.
6 Q Who referred you there?
7 A I'm guessing the case manager.
8 Q But you don't know?
9 A No, I do not know. I know my family
10 doctor didn't. This was for a second opinion or
11 third opinion or fourth. I had already been --
12 before that doctor I saw another doctor.
13 MR. O'BRYAN: All right. Just answer the
14 question.
15 Q (By Mr. Massey) Now, you went to see this
16 Streng. And how many times did you see
17 Dr. Streng?
18 A Is that the one in Paducah?
19 Q Yes.
20 A I saw him twice.
21 Q And he did a discogram?
22 A The first time was just a normal
23 visitation thing, kind of a get to know you type,
24 you know, your visitation, what's wrong. He wanted
25 to do -- he wanted me to have a discogram and

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1 another MRI, the discogram to show where the pain is
2 coming from to find out exactly to pinpoint it.
3 Q He asked you how you got hurt?
4 A Yes. I told him on the barges.
5 Q And he asked you about your history as far
6 as any other back conditions or back problems you
7 had ever had in your life?
8 A He asked me if I had any surgeries. I
9 told him I had a vasectomy and I had an ankle
10 surgery.
11 Q You didn't tell him that you had had
12 complications from your vasectomy with your
13 testicles, did you?
14 A I don't consider that complications, no.
15 Q Did you report that to him?
16 A I just told him about my vasectomy. I
17 said I had a vasectomy.
18 Q You didn't tell him about the
19 complications?
20 A I don't consider I had complications.
21 Q You didn't tell him them that you had --
22 that you had discharges and that you had level five
23 pain and that you were concerned about being able to
24 lift and go back to your job? You never told him
25 about any of those --

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1 A I was able to lift and everything
2 afterwards. I went back to my normal job.
3 Q Did you tell him about any of the things I
4 just mentioned?
5 A I don't remember. I told him -- I told
6 him about the vasectomy and that was it.
7 Q Did you tell him about your back
8 examinations and stimulations, electrical
9 stimulations and adjustments and X-rays that were
10 done in July 2008?
11 A I don't remember those.
12 Q So you didn't tell him about those?
13 A If I don't remember those, I don't
14 remember those. So therefore, I couldn't tell him
15 about it because I don't remember them.
16 Q So Streng did the discogram, or did he
17 let Rupert do that?
18 A I don't know if it was Rupert or somebody
19 else. Somebody -- I was in there. They were
20 wearing a mask. I went into a room in Evansville
21 and had it done.
22 Q Is Rupert qualified --
23 A Yes.
24 Q -- to do a discogram?
25 A Yes.

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1 Q Are you sure he is?
2 A He sure did them. And he said he's -- he
3 does injections and everything. So I don't know
4 exactly if he did them or somebody else did.
5 Q Okay. That's what I'm asking. You said
6 he had a mask and you couldn't tell. My question
7 is, is he qualified to do a discogram?
8 A I don't know. I could call him and ask
9 him.
10 Q I understand. But you don't know one way
11 or the other? Somebody did one?
12 A Somebody did one downstairs.
13 Q Who interpreted the discogram?
14 A Whoever they sent it off to.
15 Q Did Streng interpret it as well?
16 A Yes, he did look at it too.
17 Q Did you have meeting with Streng after
18 the discogram?
19 A I did after the discogram, and before I
20 saw him I did another MRI there at his office,
21 Streng's office.
22 Q And he did that?
23 A Yes.
24 Q Okay. What did Streng talk to you about
25 as far as your condition? What did he say and what

<p style="text-align: right;">321</p> <p>1 did you say?</p> <p>2 A Basically he told me I can have surgery or</p> <p>3 I can be on disability the rest of my life.</p> <p>4 Q And what kind of surgery did he talk to</p> <p>5 you about?</p> <p>6 A The two discs, L4-L5, L5-S1, those were</p> <p>7 definite. Those were done for. Those were</p> <p>8 herniated or whatever. Those were the ones that</p> <p>9 were causing the problem. He said it shows on the</p> <p>10 discogram, confirms it for a fact. He said the top,</p> <p>11 L4-L5, he wants to replace it with a moving -- or</p> <p>12 clean out that disc and put some type of -- another</p> <p>13 disc in there and some type of moving joint or</p> <p>14 something where it's moving. He said he's done</p> <p>15 those multiple times in California, multiple, he</p> <p>16 said, a bunch of times. He said they are good.</p> <p>17 And the bottom joint is a basic fusion</p> <p>18 where you clean out the discs. L5-S1 would be a</p> <p>19 fusion where you clean out the disc, replace that</p> <p>20 disc with a piece of plastic or whatever they use</p> <p>21 and take a piece of bone of -- what's it called --</p> <p>22 cadaver bone, put that on there and fuse it, and put</p> <p>23 a piece of metal right there.</p> <p>24 Q What did he tell you about what kind of</p> <p>25 outcome you could expect from that?</p>	<p style="text-align: right;">323</p> <p>1 do physical therapy and have weight loss?</p> <p>2 A We did physical therapy, but nobody said</p> <p>3 anything about weight loss.</p> <p>4 Q So nobody's told you that?</p> <p>5 A No.</p> <p>6 Q Did Dr. Streng indicate that weight that</p> <p>7 you had was any kind of a contraindication, meaning</p> <p>8 that would be hazardous for your surgery?</p> <p>9 A We never talked about weight or anything.</p> <p>10 Q So he didn't think it was a problem as far</p> <p>11 as you were concerned?</p> <p>12 A No.</p> <p>13 Q What is the prospect for recovery after</p> <p>14 the surgery? How long are you in the hospital?</p> <p>15 A He said two -- first incision I'd be in</p> <p>16 the hospital would be on the side. I don't know the</p> <p>17 exact length of the incision. I'm just kind of</p> <p>18 remembering what he said.</p> <p>19 Q All right.</p> <p>20 A The incision would be on the side. He'd</p> <p>21 go into the side, do the incision, replace the top</p> <p>22 one or bottom one. I'm not sure which one. Replace</p> <p>23 one of them. Two days later, two, maybe three, I'll</p> <p>24 just say maybe three, he'll go into the front down</p> <p>25 below here and replace that one. That will be</p>
<p style="text-align: right;">322</p> <p>1 A He said if there's no complications or</p> <p>2 anything, he goes, I could go back to work working</p> <p>3 on the boats and everything and be lifting and</p> <p>4 everything. He goes, but there are always, of</p> <p>5 course, chances of -- you know, with any type of</p> <p>6 surgery there's always chances anything could</p> <p>7 happen.</p> <p>8 Q So was it your expectation from talking to</p> <p>9 him that if this is successful that you ought to be</p> <p>10 able to go back to work on the river?</p> <p>11 A Yes. That's what he said. He said if</p> <p>12 everything goes good -- what's great about this, he</p> <p>13 said, is that top joint being able to move. That's</p> <p>14 where you have the problems. So being able to</p> <p>15 replace that, I'd still have movement there. It's</p> <p>16 like a new joint.</p> <p>17 Q Did any of the doctors along the way</p> <p>18 recommend to you that you lose weight?</p> <p>19 A No.</p> <p>20 Q No doctor's recommended that to you?</p> <p>21 A No.</p> <p>22 Q Did this doctor recommend that you lose</p> <p>23 weight?</p> <p>24 A No.</p> <p>25 Q So nobody has told you that you needed to</p>	<p style="text-align: right;">324</p> <p>1 another two, maybe three days, and then be out of</p> <p>2 the hospital. I'll be able to drive -- my mom or</p> <p>3 somebody would be able to get me and drive me home.</p> <p>4 Q So a total of about six or seven days in</p> <p>5 the hospital and then you're done with the hospital?</p> <p>6 A I would estimate six.</p> <p>7 Q So then recovery time after that, what's</p> <p>8 that supposed to be like?</p> <p>9 A I have no idea. He said something about</p> <p>10 one muscle being moved a little bit so I'd have to,</p> <p>11 at the very beginning, just lift my leg a little bit</p> <p>12 or whatever it is, just kind of stretch it back.</p> <p>13 Q So you all didn't talk about time off --</p> <p>14 A Not that I remember.</p> <p>15 Q -- for rehab?</p> <p>16 A He was just talking about the actual</p> <p>17 surgery itself.</p> <p>18 Q What did he say that kind of surgery would</p> <p>19 cost?</p> <p>20 A He said back when he was doing them in</p> <p>21 California people were paying cash for 40,000. But</p> <p>22 I don't know nowadays. Back when he was -- I don't</p> <p>23 know exactly. He just said back when he was in</p> <p>24 California.</p> <p>25 Q So did he tell you he hadn't done this</p>



<p style="text-align: right;">325</p> <p>1 since he was out in California?</p> <p>2 A I don't know. He just said back in</p> <p>3 California people were paying 40,000.</p> <p>4 Q Did he come from California?</p> <p>5 A I don't know his history.</p> <p>6 Q Okay. I thought you said he did surgery</p> <p>7 back in California. I was wondering.</p> <p>8 A He supposedly, the way I took it, he lived</p> <p>9 in California and did surgery there for a while.</p> <p>10 Q How long has he been in Paducah?</p> <p>11 A I have no idea.</p> <p>12 Q What kind of doctor is this guy?</p> <p>13 A I would have to look and see. I think</p> <p>14 he's a -- I don't know. He's back doctor. I don't</p> <p>15 know.</p> <p>16 Q I think he's a neurosurgeon. I think he</p> <p>17 is. So you don't have an estimate of what this is</p> <p>18 supposed to cost?</p> <p>19 A No. He said he would talk to his people</p> <p>20 or whoever does work comp and they will do</p> <p>21 everything and get to whoever they need to talk to.</p> <p>22 Q So he needs to talk to somebody at</p> <p>23 Marathon or work comp?</p> <p>24 A The work comp people at their office</p> <p>25 there. It's a big office. And he said there were</p>	<p style="text-align: right;">327</p> <p>1 Q And there was a squabble about the amount?</p> <p>2 A Well, yes.</p> <p>3 Q And that was made up. They gave you a</p> <p>4 retroactive check to bring you up to speed?</p> <p>5 A Okay.</p> <p>6 Q Is that true?</p> <p>7 A Well, yeah.</p> <p>8 Q Okay. And so they are still paying you</p> <p>9 maintenance?</p> <p>10 A As of right now, yeah.</p> <p>11 Q And how much are they paying you?</p> <p>12 A I believe it's 561. I'm not sure.</p> <p>13 Q Times two or --</p> <p>14 A Every two weeks.</p> <p>15 Q So you're getting 561 times two. And</p> <p>16 you're not paying taxes on that?</p> <p>17 A I don't know how they did it.</p> <p>18 Q You got a tax accountant or something?</p> <p>19 A No.</p> <p>20 Q I'm saying, you're not paying taxes on</p> <p>21 that? You're not --</p> <p>22 A This last tax return -- I didn't receive</p> <p>23 any W-2s. I don't know how it's looked at. Since I</p> <p>24 didn't receive anything --</p> <p>25 Q We've ended the tax year 2015. What was</p>
<p style="text-align: right;">326</p> <p>1 people there to talk to to get a hold of that. I</p> <p>2 informed my attorney of it, and same thing.</p> <p>3 Q Do you want to get this surgery?</p> <p>4 A Yes, I do. I want to get fixed. I'm</p> <p>5 tired of being in pain and I'm tired of taking pain</p> <p>6 pills.</p> <p>7 Q How long do you intend to take the pain</p> <p>8 pills if you don't get the surgery?</p> <p>9 A Rupert said the rest of my life I'll be on</p> <p>10 pain pills and -- what's it called, disability.</p> <p>11 Q So during this time period you've been</p> <p>12 off, you haven't applied for any work?</p> <p>13 A I can't do work like that.</p> <p>14 Q Okay. So you haven't applied for any</p> <p>15 work?</p> <p>16 A No.</p> <p>17 Q You haven't done any additional schooling?</p> <p>18 A No. I can barely do what I can do with my</p> <p>19 kids, clean the house and everything.</p> <p>20 Q Marathon has paid you maintenance and cure</p> <p>21 since the incident occurred. They paid you</p> <p>22 maintenance?</p> <p>23 A Yes.</p> <p>24 Q Is that true?</p> <p>25 A Yes.</p>	<p style="text-align: right;">328</p> <p>1 your income in 2015 that you reported?</p> <p>2 A I'd have to look at my W-2s I received</p> <p>3 from Marathon.</p> <p>4 Q But you wouldn't have had anything other</p> <p>5 than the maintenance checks.</p> <p>6 A Whatever they gave me at Marathon, I'd</p> <p>7 have to look at my tax return.</p> <p>8 Q Does somebody do your tax returns or do</p> <p>9 you do them?</p> <p>10 A I did them.</p> <p>11 Q Do you have copies of them?</p> <p>12 A No, I did not. I didn't print them off or</p> <p>13 anything.</p> <p>14 Q So you have it, so you could print them</p> <p>15 off?</p> <p>16 A No, I don't know how I could. I didn't</p> <p>17 print them off. I'd have to get them. I'd have to</p> <p>18 go to the IRS now. I e-filed them.</p> <p>19 Q I see. You didn't keep copies is what</p> <p>20 you're saying?</p> <p>21 A No.</p> <p>22 Q Do you know what your income was for 2015?</p> <p>23 A I'd have to get my W-2s.</p> <p>24 Q You don't have an estimate?</p> <p>25 A No.</p>

<p style="text-align: right;">329</p> <p>1 Q How about 2014?</p> <p>2 A I don't have an estimate.</p> <p>3 Q 2013?</p> <p>4 A I don't have an estimate.</p> <p>5 Q 2012?</p> <p>6 A I don't have an estimate.</p> <p>7 Q 2011?</p> <p>8 A I don't have an estimate.</p> <p>9 Q The last year you worked for Marathon</p> <p>10 working as a deckhand, do you know what your income</p> <p>11 was?</p> <p>12 A Base pay was supposed to be on deck one</p> <p>13 around 38. I don't know. I don't know if I made</p> <p>14 more than that. That's what I'm saying. I don't</p> <p>15 have an estimate. I don't know exactly how much I</p> <p>16 made. It was 38 something, but I don't know.</p> <p>17 Q You wouldn't be able to swear under oath</p> <p>18 because you don't have any records to show?</p> <p>19 A I don't have any records. I would have to</p> <p>20 get them from the IRS.</p> <p>21 Q Do you have any recordings from any of</p> <p>22 those recordings you tried to make?</p> <p>23 A I'd have to look and find them. I don't</p> <p>24 have anything on me.</p> <p>25 Q I've asked for those. Do you have them at</p>	<p style="text-align: right;">331</p> <p>1 you were in Catlettsburg until September 15 of 2014,</p> <p>2 didn't you?</p> <p>3 A No, I was forced to.</p> <p>4 Q Okay. That is something that you did</p> <p>5 sign, Ryan.</p> <p>6 A What are you talking about?</p> <p>7 Q Didn't you sign an agreement that said you</p> <p>8 agreed in writing to work light duty until September</p> <p>9 15 --</p> <p>10 A I was told exactly, I had to stay there to</p> <p>11 finish my -- so they wouldn't finish my hitch, so</p> <p>12 that I wouldn't get lost time. And if I left, I</p> <p>13 wouldn't have a job anymore.</p> <p>14 Q Okay. And so you agreed to stay and work</p> <p>15 light duty?</p> <p>16 A I didn't agree. They forced me to stay or</p> <p>17 I wouldn't have a job anymore. They wouldn't pay</p> <p>18 for anything and they wouldn't --</p> <p>19 Q But you signed the paper saying you</p> <p>20 agreed?</p> <p>21 A I don't remember signing the paper.</p> <p>22 Q Okay. If your signature is on it, are you</p> <p>23 suggesting somebody forged your name?</p> <p>24 A I don't know. I don't remember signing</p> <p>25 it.</p>
<p style="text-align: right;">330</p> <p>1 home?</p> <p>2 A I don't know. I'd have to look and see.</p> <p>3 Q Where would you have to look?</p> <p>4 A Probably a disc drive that I have for my</p> <p>5 ex and other attorney things.</p> <p>6 Q Haven't you been asked to look for those</p> <p>7 for me because I asked for them?</p> <p>8 A I don't remember ever being asked that.</p> <p>9 Q You're looking at your lawyer --</p> <p>10 MR. O'BRYAN: Well, it would have been on</p> <p>11 the request for production.</p> <p>12 MR. MASSEY: It would have been.</p> <p>13 Q (By Mr. Massey) But you haven't looked is</p> <p>14 what you're saying, you haven't looked for any of</p> <p>15 that?</p> <p>16 A If they are on there, they are on there.</p> <p>17 If not, I don't know. All I'd have to do is take a</p> <p>18 quick look.</p> <p>19 Q I know you haven't given me any. My</p> <p>20 question to you is, have you looked to determine so</p> <p>21 you could give them to me, yes or no?</p> <p>22 A No.</p> <p>23 Q Have any of them been erased?</p> <p>24 A I don't know.</p> <p>25 Q You agreed to do the light-duty work when</p>	<p style="text-align: right;">332</p> <p>1 Q That document's been produced to you and</p> <p>2 you have it.</p> <p>3 A Where?</p> <p>4 Q Your lawyer has it. I can't deal with you</p> <p>5 directly, Ryan.</p> <p>6 A I haven't seen anything from my lawyer.</p> <p>7 Q Okay. But if you see and your name is on</p> <p>8 it, you wouldn't suggest anybody is forging your</p> <p>9 name, would you, or would you?</p> <p>10 A I don't know. Anybody can do anything.</p> <p>11 Q So how is your pain now? I've been easy</p> <p>12 on you here. Is it still a six or is it a ten?</p> <p>13 A No, it's a seven or eight. I'm about</p> <p>14 ready to walk out and lay down because I'm getting</p> <p>15 tired of this. This is hurting.</p> <p>16 Q Have you taken any more pain medicine</p> <p>17 since we started?</p> <p>18 A Yes, I have.</p> <p>19 Q How many do you take a day?</p> <p>20 A Four oxycodone, or whatever they are</p> <p>21 called, and three Gabapentin.</p> <p>22 Q What are you not able to do now that you</p> <p>23 could do before your incident?</p> <p>24 A Not able to do a lot of things. I can't</p> <p>25 hardly play ball with my son. I can't pick up heavy</p>

<p style="text-align: right;">333</p> <p>1 things without doing it. Basically I have to lay 2 around and relax. That's the only way the pain meds 3 work and help. If I do anything with even the pain 4 meds actively it starts hurting like crazy, 5 especially sitting here like this without laying 6 down or doing anything. 7 Q Can you drive? 8 A Short periods, yes. 9 Q Can you do housework? 10 A I can, but it causes increased pain. Like 11 everything normally that would take an hour to do at 12 home, it takes about four to five hours to do. 13 Q You don't have a housekeeper, do you? 14 A No. 15 Q So you keep your own house? 16 A Yes. 17 Q Are you buying your house or renting it? 18 A I own my home, yes. 19 Q So you own your home. So you take care of 20 it? 21 A The best I can. 22 Q Do you maintain your home? 23 A Some things are falling apart. But yes, I 24 try to do the best I can with what money I'm 25 getting.</p>	<p style="text-align: right;">335</p> <p>1 when I first got the house. It was something cheap. 2 Q It's gas run? 3 A Gas and oil mixture. 4 Q Okay. And you're able to do that? 5 A It's under ten pounds. I just lift it up 6 and kind of weed eat right there at the house. In 7 about five minutes or so, if my back starts hurting, 8 I may go in for a while and sit around and lay down 9 until it gets better and then go back out. 10 Q You've done that since your injury? 11 A I had to do it or it would get out of 12 control. 13 Q Anything else that you've done outside 14 that somebody walking by would see you doing to 15 maintain your home out there? 16 A Maybe sitting there with a spray bottle of 17 weeds, to kill the weeds or something. 18 Q Anything else? 19 A Or spray something. 20 Q Have you done some things with the awning 21 around the bottom? 22 A Awning? 23 Q I don't know what they call it, but down 24 there where the vinyl meets the brick. Have you 25 done some work on that?</p>
<p style="text-align: right;">334</p> <p>1 Q Do you cut your grass? 2 A No, my son does. 3 Q The young Ryan? 4 A Yes. 5 Q Does he have a push mower? 6 A Yes. 7 Q Do you paint your house? 8 A I have in the past, just small -- it's 9 siding right now, but there's only small pieces of 10 brick. 11 Q Since your incident, have you done some 12 work around your house where you were outside 13 working, since your incident? 14 MR. O'BRYAN: You mean landscaping or 15 anything? 16 MR. MASSEY: Any kind of work outside the 17 house. 18 A My daughter pulls the weeds, my son mows. 19 I may do a touch of weed eating for five minutes and 20 that's it. 21 Q (By Mr. Massey) When do you that, what 22 kind of weed eater do you use? 23 A Just a little gas weed eater. 24 Q What brand is it? 25 A I don't know. It's something we bought</p>	<p style="text-align: right;">336</p> <p>1 A I don't remember if it was during this or 2 before. I remember caulking it a long time ago. I 3 don't know. 4 Q When did you do the caulking on the 5 windows? 6 A I don't remember. It wasn't the windows. 7 It was just little pieces here and there, pieces of 8 vinyl that were coming off, so I caulked that. 9 Q When were you able to do that after your 10 accident? 11 A I don't remember if it was after or 12 before. 13 Q But you have done some of that work? 14 A Yeah. 15 Q You think it could have been after your 16 incident? 17 A I don't know. 18 Q What other things have you done around the 19 home to maintain it since your accident? 20 A I try to have my kids out help out as much 21 as they can. My mom comes over sometimes and does 22 things. That's all I can think of right now. 23 Q Do you do the maintenance work on your 24 automobile? 25 A No.</p>

<p style="text-align: right;">337</p> <p>1 Q You don't change the oil? 2 A I can't afford it. 3 Q So your oil doesn't get changed? 4 A Not yet. It's been a long time since it's 5 been changed. I think during -- since this 6 happened, I've changed it once. 7 Q You did that? 8 A No. 9 Q Who did that? 10 A It was another company, Thrifty Car Care. 11 Q Are you handy around an automobile? You 12 know how to change the oil? 13 A I know how to change oil, yeah. 14 Q Have you done any other maintenance on 15 your automobile since your incident? 16 A No, other than just the basic, vacuum out 17 the chair. 18 Q How do you know your oil is -- strike 19 that. Does your oil need changing? 20 A Well, yes. 21 Q So you check your oil to see? 22 A I've looked at it. It's pretty dark and 23 also the sticker of when it's due, it's already well 24 past that. 25 Q When you do that, you raise the hood and</p>	<p style="text-align: right;">339</p> <p>1 Q So since your injury, you haven't lifted 2 anything over ten pounds? Is that what you say? 3 A I have tried -- that's what they told me. 4 I cannot lift, push or pull anything ten pounds or 5 over. I've tried -- 6 Q I appreciate that's what they told you. 7 My question is, have you lifted anything since the 8 injury that weighed over ten pounds? 9 A Don't believe so. 10 Q Do you water your grass? 11 A No. 12 Q Have you had to pay any money for medical 13 care at all, or has Marathon taken care of all of 14 that? 15 A I've received some bills in the mail, but 16 I gave copies to my attorney. I don't know if they 17 are still due or if Marathon's paid it. I 18 personally haven't paid any. But before my 19 prescriptions, the State of Indiana had paid my 20 prescription before because of the prescription card 21 they gave me. And what the people have done, they 22 said they weren't any good. 23 Q So you haven't had any out-of-pocket 24 expenses for medical care since the incident. 25 A My \$12 a month for the State of Indiana</p>
<p style="text-align: right;">338</p> <p>1 look underneath it? 2 A Well, yes. 3 Q You're able to do that? 4 A Not look underneath. You raise the hood 5 and do it with the dipstick. 6 Q You're able to do that? 7 A Well, yeah. 8 Q You have done that since your injury? 9 A Well, yes. 10 Q You pump gas in your vehicle since the 11 date of the injury? 12 A Yes. 13 Q You buy groceries since the date of your 14 injury? 15 A Yes. 16 Q You're able to take groceries out of the 17 grocery store and put them in your car? 18 A My kids do that. My mom helps me with 19 that. 20 Q You've never unloaded groceries to put -- 21 A I pick things up that are less than ten 22 pounds. I try to pick up even less than that, maybe 23 five pounds. I maybe carry in a gallon of milk, 24 that's it. But I let the kids carry everything else 25 in.</p>	<p style="text-align: right;">340</p> <p>1 Medicaid or Medicare or whatever it is I have to 2 have for me and my children. We have to pay that. 3 And it comes out of a -- 4 Q But you had to pay that before the 5 incident? 6 A But it also comes out -- there's X amount 7 of dollars you get for medical care for Indiana. It 8 tells you how much it is. And every time you use 9 your medication it comes down. Once you get down to 10 zero, I guess you don't get medical care or anything 11 else. You get a budget of X amount of dollars. 12 Q Okay. But you were paying that charge 13 before your incident? 14 A No, not before my incident. I had regular 15 medical care. I had Anthem regular through 16 Marathon. 17 Q Okay. Did you have to pay premiums for 18 that coverage? 19 A It got taken out of my check. 20 Q Okay. But you had to pay for it out of 21 your check to get those premiums? 22 A I guess. I don't know what you would call 23 them. They just took money out of my check. 24 Q Okay. But they were providing coverage, 25 but you had to pay for the medical coverage?</p>

<p style="text-align: right;">341</p> <p>1 A Uh-huh.</p> <p>2 Q Is that true?</p> <p>3 A Yeah, I had to pay X amount of dollars for</p> <p>4 insurance, medical and dental.</p> <p>5 Q Since the incident, have you been out of</p> <p>6 pocket any charges for medical expenses at all?</p> <p>7 A I haven't paid anything out of pocket for</p> <p>8 medical expenses except for -- well, you reimbursed</p> <p>9 me for some of the -- there was few things in cash I</p> <p>10 had for pain meds that they reimbursed me for.</p> <p>11 Q Let me re-ask the question. Have you paid</p> <p>12 anything out of pocket for any medical care or</p> <p>13 failed to reimburse you for charges that you've</p> <p>14 given people that Marathon reimbursed you for?</p> <p>15 A Other than -- again, other than the</p> <p>16 Indiana that I stated before, because that's my own</p> <p>17 personal X amount of dollars that comes out, no, I</p> <p>18 haven't paid any cash for anything.</p> <p>19 Q And all of that was paid before the</p> <p>20 incident as well?</p> <p>21 A I'm guessing. I've received bills in the</p> <p>22 mail and I've given --</p> <p>23 Q But you haven't paid any of them?</p> <p>24 A No.</p> <p>25 Q So you're assuming they are getting paid?</p>	<p style="text-align: right;">343</p> <p>1 the car ride from where you got off the boat to</p> <p>2 Catlettsburg, how many stops would you judge that</p> <p>3 you all made from the time you left in the car until</p> <p>4 you got to Catlettsburg?</p> <p>5 A I can tell you it's like every 30 minutes.</p> <p>6 A normal drive there, like I stated before, is</p> <p>7 roughly -- from my house to here is three hours.</p> <p>8 From my house to Catlettsburg is another six hours.</p> <p>9 So you say nine hours roughly, just around about.</p> <p>10 I'm not one hundred percent sure without Google</p> <p>11 mapping it or something.</p> <p>12 Q How long did the trip take?</p> <p>13 A Then nine hours total, then you take</p> <p>14 another 30 minutes -- every 30 minutes, you take a</p> <p>15 break. So 30 -- 31, 32.</p> <p>16 MR. O'BRYAN: 9 times 2.</p> <p>17 Q (By Mr. Massey) You think you stopped 18</p> <p>18 times?</p> <p>19 A Every bit -- every time it was 30 minutes</p> <p>20 he had to stop. That was the orders from Marathon</p> <p>21 and the nurse practitioner.</p> <p>22 Q And what did you do when you made the</p> <p>23 stops?</p> <p>24 A Pulled over to the side of the road within</p> <p>25 a 30-minute timeframe. Sometimes early. It</p>
<p style="text-align: right;">342</p> <p>1 A I don't know.</p> <p>2 Q Do you feel like you can go back to a</p> <p>3 light job right now?</p> <p>4 A No.</p> <p>5 Q You don't think you're employable at all</p> <p>6 right now?</p> <p>7 A What person is going to employ me where I</p> <p>8 have to stand up or whatever X amount of times and</p> <p>9 walk away and lay down and have to do things --</p> <p>10 Q Well, if you act totally disabled, you're</p> <p>11 right, nobody is probably going to give you a job.</p> <p>12 What I'm asking is, if you were motivated, could you</p> <p>13 do a light duty job now or not?</p> <p>14 A No, I couldn't.</p> <p>15 Q Did you hear from Marathon before your</p> <p>16 incident that one of your problems was you were not</p> <p>17 motivated?</p> <p>18 A I don't remember any of this.</p> <p>19 Q I suspect you don't, but I was just asking</p> <p>20 to see if you did.</p> <p>21 A I don't remember. I don't know.</p> <p>22 MR. MASSEY: Okay. I'm getting down to</p> <p>23 short strokes here. Give me a couple minutes.</p> <p>24 (Off the record.)</p> <p>25 Q (By Mr. Massey) Back at the time now on</p>	<p style="text-align: right;">344</p> <p>1 depended on where we could pull over at. Pulled</p> <p>2 over, got out, kind of just stood there and walked</p> <p>3 around and used the bathroom if I had to, just kind</p> <p>4 of stood there for a while.</p> <p>5 Q So you didn't have any ice to put on you?</p> <p>6 You didn't use ice or anything?</p> <p>7 A He stopped to get an ice pack and heat</p> <p>8 things like they stated. I'm trying to think if it</p> <p>9 was a Wal-Mart or not. But it was way past</p> <p>10 Evansville. It was on the way to Catlettsburg. So</p> <p>11 it was at least -- I'm saying it's a normal drive in</p> <p>12 three hours, at least. Past that, that's when he</p> <p>13 stopped. It was in-between Evansville and</p> <p>14 Catlettsburg. In-between Louisville and Evansville.</p> <p>15 Q So you stopped for ice one time, heat one</p> <p>16 time.</p> <p>17 A It was at a store. It was like an ice</p> <p>18 pack or whatever. And what's it called, a heat</p> <p>19 pack.</p> <p>20 Q So you used the ice one time. Or was that</p> <p>21 several times that you were able to use that?</p> <p>22 A They told me to ice had and heat it.</p> <p>23 Q Did the ice that you used, did it last the</p> <p>24 whole trip or just part of the trip, or how did it</p> <p>25 go?</p>

<p>345</p> <p>1 A It didn't last the whole trip. It was 2 just one of those chemical reaction ice things. 3 Q And the heat was the same way? 4 A Yes. 5 Q You don't remember what kind of vehicle it 6 was? 7 A No. It was a rental car. 8 Q Did you incline yourself or sit up 9 straight? 10 A I laid down. That's the way -- just like 11 I'd like to lay now. If I can sit down at an 12 incline, the kids will tell you, in the chair I have 13 to be kind of reclined a little bit. 14 Q Did you sleep along the way at all? 15 A No, I couldn't. If I did, I dosed off 16 maybe a minute or two, few minutes at a time, woke 17 back up because of the pain. 18 Q Did you all listen to the radio at all? 19 A Yeah, he had the radio on. 20 Q Did you tell him how the incident happened 21 or about the incident at all? 22 A I don't remember if I told him or not. 23 Q He was not a witness, was he, whoever he 24 was? 25 A He wasn't out there, no.</p>	<p>347</p> <p>1 State of Missouri 2 SS. 3 County of St. Charles 4 I, Julie A. Bulard, do hereby certify that 5 pursuant to Notice in the civil cause now pending 6 and undetermined in the United States District 7 Court, for the Southern District of Illinois, East 8 St. Louis Division, to be used in the trial of said 9 cause in said court, I was attended at the offices 10 of The Massey Law Firm, LLC, Two CityPlace Drive, 11 Suite 200, in the County of St. Louis, State of 12 Missouri, by the aforesaid attorneys; on the 16th 13 day of June, 2016. 14 The said witness, being of sound mind and being 15 by me first carefully examined and duly cautioned 16 and sworn to testify the truth, the whole truth, and 17 nothing but the truth in the case aforesaid, 18 thereupon testified as is shown in the foregoing 19 transcript, said testimony being by me reported in 20 shorthand and caused to be transcribed into 21 typewriting, and that the foregoing pages correctly 22 set forth the testimony of the aforementioned 23 witness, together with the questions propounded by 24 counsel and remarks and objections of counsel 25 thereto, and is in all respects a full, true,</p>
<p>346</p> <p>1 Q So he didn't know anything about -- he 2 didn't even know you were hurt? 3 A Well, they told him I was hurt and I'd be 4 going -- that he has to escort me and make sure I 5 don't do anything, drugs, or do anything to try to 6 get away with -- because they had me do a drug test 7 there. So he had to watch me 24/7. 8 MR. MASSEY: I see. Okay. I think that's 9 all I have. 10 MR. O'BRYAN: All right. I don't have 11 anything. 12 COURT REPORTER: Signature? 13 MR. MASSEY: You have a right to -- 14 MR. O'BRYAN: No, we'll waive that. 15 MR. MASSEY: All right, you'll waive that. 16 SIGNATURE WAIVED, BY AGREEMENT OF COUNSEL 17 AND WITNESS 18 19 20 21 22 23 24 25</p>	<p>348</p> <p>1 correct and complete transcript of the questions 2 propounded to and the answers given by said witness; 3 that signature of the deponent was waived by 4 agreement of counsel. 5 I further certify that I am not of counsel or 6 attorney for either of the parties to said suit, not 7 related to nor interested in any of the parties or 8 their attorneys. 9 Witness my hand at St. Charles, Missouri, this 10 27th day of June, 2016. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p> Julie A. Bulard CCR MO #835</p> <p></p>

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<p>1 COURT MEMO 2 3 4 5 Ryan Ruddell vs. Marathon Petroleum Company, L.P., 6 Marine Transportation 7 8 CERTIFICATE OF OFFICER AND 9 STATEMENT OF DEPOSITION CHARGES 10 11 DEPOSITION OF Ryan Ruddell 12 13 6/16/2016 14 Name and address of person or firm having custody of 15 the original transcript: 16 17 The Massey Law Firm, LLC 18 Two CityPlace Drive, Suite 200 19 St. Louis, MO 63141 20 21 22 23 24 25</p>	<p>1 Upon delivery of transcripts, the above 2 charges had not been paid. It is anticipated 3 that all charges will be paid in the normal course 4 of business. 5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY 6 515 Olive Street, Suite 700 7 St. Louis, Missouri 63101 8 IN WITNESS WHEREOF, I have hereunto set 9 STATEMENT OF DEPOSITION CHARGES 10 my hand and seal on this _____ day of _____ 11 Commission expires 12 _____ 13 Notary Public 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF: 2 3 The Massey Law Firm, LLC 4 Two CityPlace Drive, Suite 200 5 St. Louis, MO 63141 6 Total: 7 1 ONE COPY - TAXED IN FAVOR OF: 8 9 O'Bryan Baun Karamanian 10 401 South Old Woodward, Suite 463 11 Birmingham, MI 48009 12 Total: 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	